

State of Alaska FY2003 Governor's Operating Budget

Department of Law

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Department Mission

The mission of the Department of Law is to provide legal services to state government and to prosecute crime.

Department Goals and Strategies

CRIMINAL DIVISION:

PROTECT THE PUBLIC THROUGH EFFECTIVE PROSECUTION SERVICES.

- Assist law enforcement agencies with criminal investigations by providing legal and tactical advice.
- Serve as legal advisor to grand juries and represent the state in all phases of criminal trial and appellate proceedings.
- Effectively prosecute domestic violence and crimes against children.
- Effectively prosecute those who drive while under the influence of alcohol or drugs.
- Reduce the number of alcohol-related offenses through the prosecution of those who import alcohol into dry communities.
- Reduce fraud in benefit programs.

CIVIL DIVISION:

PROVIDE EFFECTIVE LEGAL ADVICE AND REPRESENTATION OF THE STATE.

- Protect Alaska's children and youth by handling child abuse, neglect, and delinquency cases expeditiously.
- Ensure the state receives its correct share of oil and gas taxes and royalties; clarify and improve the rules governing taxpayers to reduce disputes and litigation.
- Resolve questions of state versus federal control and management of natural resources, lands, and waters.
- Increase collections of money owed the state by businesses and individuals for child support, fines, loans, and other unpaid obligations.
- Collect judgments for victim restitution and make payments to victims of crimes.
- Ensure that the department's legal review of regulations projects continues to be efficient, timely, and responsive to the needs of agencies and the public.

Key Department Issues for FY2002 – 2003

CRIMINAL DIVISION:

MAINTAIN FOCUS ON PROSECUTION OF FAMILY VIOLENCE

The Knowles Administration has changed the way domestic violence and child abuse are handled by the police, the courts, and the agencies that are responsible for the welfare of children. Studies and experience have shown that

children in homes where there is domestic violence by an adult are often victims of abuse and neglect. Studies have also shown that the children suffer emotionally by witnessing the domestic violence. These cases are often difficult to prosecute because pressure is brought to bear on victims to recant. Moreover, testifying in court can be traumatic for child victims of abuse and neglect. Because prosecution of these offenses is important for the safety of victims, the Criminal Division policy is to prosecute if there is sufficient evidence to convict, even when the victim is unable to testify or does not want the offender prosecuted.

INCREASED DRUG AND ALCOHOL PROSECUTION

The Criminal Division has participated in planning projects for drug courts, therapeutic courts, mental health courts, and other special programs with the court system, law enforcement, the Public Defender Agency, and the Department of Corrections.

Everyone recognizes that alcohol is at the root of a number of serious social problems in Alaska. The correlation between alcohol and crime is significant, and alcohol is implicated in an extremely high percentage of criminal and accidental deaths and injuries. In addition, many children are born with FAS or FAE because their mothers consumed alcohol during pregnancy. Experience has shown that the rate of crime can be decreased if alcohol availability is decreased. State law gives municipalities the option of banning or limiting alcohol in their communities, and many villages have voted for that local option. In areas that go completely dry (by banning possession of alcohol), the level of crime falls immediately and significantly, until bootleggers start to return alcohol to the region. Enforcement of local option laws is difficult, but the Criminal Division is actively working with the Alaska State Troopers and federal authorities to deal more aggressively with bootlegging, by increasing our alcohol interdiction efforts through the addition of prosecutors specifically assigned to those cases. Federal funds provided through an Reimbursable Service Agreement with the Department of Public Safety funds a FY 2002 increased level of funding for heightened efforts in the area of alcohol interdiction. The future of this funding source is uncertain at this time.

CIVIL DIVISION:

CHILD PROTECTION

Child protection workloads continue to be of concern to the department. Statutory changes at the state and federal level have necessitated changes in how long children may remain in the child protection legal system, and when certain actions must occur, and they define parental responsibility more concretely. These changes move cases to conclusion faster to ensure that when reunification with the family is not in the child's best interest, the child can be made legally eligible for placement in a permanent home more quickly. The accelerated schedules severely impact attorney workloads. Maintenance of our existing resources for child protection is absolutely critical in order for us to effectively manage this important responsibility. In FY 2002, for example, we had to cut half of an attorney position in the Human Services component due to a reduction in the Balloon Project funding received by DHSS. This cut has had a direct impact on the Anchorage Human Services section, resulting in an increase in the per attorney caseload. Another key issue for this component is the need for paraprofessional support to assist our Fairbanks Human Services section.

VICTIM RESTITUTION

A key issue for the Collections and Support section in FY 2002 – 2003 is the adoption and implementation of new regulations and procedures for the collection of restitution awarded to victims in criminal and juvenile delinquency proceedings in Alaska. Effective January 1, 2002, the collections unit will begin collecting restitution on behalf of victims in criminal and juvenile delinquency proceedings.

CONSUMER PROTECTION AND ANTITRUST ENFORCEMENT

Alaska is a target state for many types of consumer fraud, among them telemarketing, prizes and sweepstakes, deceptive home business opportunity sales, automobile sales and service, and a variety of retail sales and services. Under the terms of the Alaska Consumer Protection Act, the Attorney General's office is authorized to investigate and bring enforcement action against businesses that engage in unfair or deceptive trade practices. Because of current funding levels, enforcement activities are directed to situations affecting a large number of consumers or involving large dollar amounts, and often there are not enough resources for those cases. However, we have been able to increase enforcement activity because of additional statutory designated program receipt resources appropriated to the civil division in FY 2000. Using existing resources, the division refined and expanded its consumer protection web page that is assisting consumers in identifying and protecting against consumer fraud. The division will continue to take

appropriate steps to ensure receipt of SDPR on a regular basis in FY 2003 to help fund the consumer protection and antitrust enforcement program.

Major Department Accomplishments in 2001

CRIMINAL DIVISION:

- The Criminal Division successfully led the effort that gained the State an additional \$1.4 million in federal funds for the Alcohol Interdiction project. The intent of the proposal is to significantly reduce violent crime, accidental deaths and incidence of FAS and FAE by cutting off the easy availability of alcohol through aggressive investigation and prosecution of bootlegging offenses. Of the \$1.4 million, \$500,000 funds the prosecution effort and commences in FY 2002.
- The Criminal Division continues in the effort to assist victims and witnesses by better informing and preparing them to testify, especially in cases involving sex crimes and domestic violence, and by providing them with important safety plans and informing them of their rights. This project also involves training for attorneys and paralegals to assist them in their efforts to reduce the incidence of these types of crimes. At the grassroots level, the Volunteer Legal Advocacy program, trains volunteers in Alaskan communities and villages to coordinate with domestic violence prosecution efforts. Both aspects of this heightened effort are funded by federal funds RSA'd to the Criminal Division by the Department of Public Safety, Council on Domestic Violence and Sexual Assault.
- The Criminal Division's Medicaid Fraud unit collected more than \$2.5 million in Medicaid fines during FY 2001, an increase of approximately \$1.5 million over FY 2000. In addition to straight fraud cases, the unit prosecutes offenders who commit other crimes while defrauding Medicaid. The most notable example is the case of a Fairbanks doctor who was convicted of 73 felony offenses. The conduct underlying the charges involved sexual assault and abuse of female patients, stealing money from the Alaska Medicaid Fund by submitting false billings for patient services, and issuing dozens of prescriptions without a legitimate medical necessity.
- Additional accomplishments for the Criminal Division are shown in the Performance Measures section of the budget, at the BRU level.

CIVIL DIVISION:

- Child Protection: The Civil Division continued its participation in the interagency Balloon Project to reduce the backlog of children in foster care longer than new state and federal laws permit. As of September 15, 2001, 89 percent of the 662 children in foster care the longest were in a permanent placement, and in another 8 percent of the cases, the legal work to free these children for adoption is complete. The project now has five phases including more than 1,600 children, of whom 72 percent now have permanent homes, and another 14 percent are legally free for adoption.
- Collections: The division collected over \$3.9 million in FY 2001 in criminal fines, cost of appointed counsel, cost of imprisonment, and civil judgments owed the state. This was a record amount, surpassing the prior year's collections by more than \$1 million.
- Governmental Affairs: Successfully concluded a mediation with the Bank of America in which the bank agreed to pay the state and affected agencies and municipalities a total of \$35.6 million in compensation for mismanagement of public funds held in trust.
- Environmental: Recovered almost \$2 million for state costs and penalties related to contaminated sites, obtained cleanup agreements with polluters with an estimated value of over \$500,000, and recovered approximately \$3,886,000 for EXXON VALDEZ oil spill related matters.
- Alaska Native Law Developments: Continued clarification of the relationship between Alaska Natives and the state, in particular, the law concerning tribal recognition and the scope of tribal jurisdiction and authority following the Venetie decision which held that ANCSA lands are not Indian country.

- Oil and Gas: Continued work on litigation involving oil and gas, bringing into the state treasury approximately \$80.5 million in back taxes and royalties owed by oil and gas companies. Also, successfully defended at hearing the Department of Revenue's \$3 billion property tax assessment of the Trans Alaska Pipeline.
- Consumer Protection and Antitrust Enforcement: Successfully resolved a number of significant consumer protection cases involving payment of several hundred thousand dollars to the state and restitution to consumers.
- Roadless Litigation: Filed a major lawsuit in federal court challenging the Forest Service's Roadless Rule.
- Submerged Lands: Began hearings before the Special Master appointed by the United States Supreme Court in the state's original action in the Supreme Court to quiet title to all lands underlying marine waters in Southeast Alaska, including those within Glacier Bay National Park and the Tongass National Forest.

Governor's Key Department-wide Performance Measures for FY2003

Measure:

Percentage of other child abuse and neglect cases that are resolved within the statutory deadline of no more than 21 months of out-of-home placement;
Sec 96 (b) (7) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

(2) New statutory deadlines for legal action in child abuse and neglect cases became effective on September 14, 1998; thus the department looked at 164 children's cases opened in October and November of that year as the benchmark. Of 164, 91 percent had the required legal action taken in their cases within 21 months, and in 2 percent, the required legal action took between 21 and 23 months to complete. Seven percent are still pending. This year the department looked at 116 children's cases opened in December 1998 and January 1999. Of those cases, 83 percent had the required legal action taken within 21 months of the child's entry into foster care. In 13 percent of the cases, the required legal action took more than 21 months, and 4 percent of the cases are still pending.

Background and Strategies:

With the passage of Ch. 99, SLA 98, the new state child protection law and the new federal Adoption and Safe Families Act, important changes were made as to how long children may remain in the child protection legal system, and when certain actions must occur. These new statutory changes at the state and federal level more concretely define parental responsibility and the changes move cases to conclusion faster to ensure that when reunification with the family is not in the child's best interest, the child can be made legally eligible for placement in a permanent home more quickly. The large number of cases placed on the accelerated schedules when the legislation became effective severely impacted attorney workloads.

Measure:

Monetary value of the criminal and civil judgments collected, including indigent defense costs, costs of incarceration for offenders convicted of driving while intoxicated, and other fines and costs owed to the state and the number of civil and criminal judgments satisfied in full;
Sec 96 (b) (3) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

	Amount Collected	Judgments Satisfied
FY 1997	\$2,278,500	Not available
FY 1998	\$2,469,900	8,569
FY 1999	\$3,111,000	10,125
FY 2000	\$2,769,600	8,805
FY 2001	\$3,993,590	15,981

In the FY 2002 Governor's budget, it was anticipated that FY 2001 collections would be unusually high. As predicted, one of the reasons for the high dollar amount and number of collections related to catching up on a backlog that had built up due to staffing vacancy. Additionally, implementation of the unit's new EXCEL database allowed the capturing

of two years of minor offense fines and related court and collection costs that had previously been uncollectable because there was no way to track and match them for the PFD attachment. The unit oversees 81,565 unpaid judgments at this time.

Background and Strategies:

The function of the collections unit is to collect money owed to the state in criminal, civil, and some administrative cases. The criminal cases include the cost of imprisonment in driving while intoxicated or refusal cases, cost of appointed counsel in cases where a public defender or public advocate appointment is made to represent a defendant, and outstanding fines and bond forfeitures. While the courts can collect on fines and bond forfeitures (these cases are only transferred to the collections unit if they are overdue to the court) the cost of appointed counsel cases are automatically transferred to the unit. Civil case collections must have a judgment in excess of \$250 entered with the court and the money collected must be free for deposit into the general fund.

There are a number of factors that affect the amount collected. The most important factor is the amount and number of judgments transferred by the courts. If a judgment is not transferred, it is unlikely the unit will receive voluntary payments and cannot seize money from a permanent fund dividend. The second factor is the number and dollar value of voluntary payments made by defendants. The only recourse the department has for nonpayment is the potential to seize the obligor's permanent fund dividend. Additional factors include the actual amount of the permanent fund dividend, the number of defendants applying for dividends; the number of defendants determined to be eligible for dividends; and other agencies or cases with statutory priority to seize dividends before our seizures are possible.

Department Budget Summary by BRU

All dollars in thousands

	General Funds	FY2001 Federal Funds	Actuals Other Funds	Total Funds	General Funds	FY2002 Federal Funds	Authorized Other Funds	Total Funds	General Funds	FY2003 Federal Funds	Governor Other Funds	Total Funds
Formula												
Expenditures												
None.												
Non-Formula												
Expenditures												
Criminal Division	12,941.6	361.3	1,164.8	14,467.7	13,581.4	480.4	1,639.9	15,701.7	14,308.9	488.4	1,647.2	16,444.5
Civil Division	8,452.5	0.0	16,403.8	24,856.3	7,850.5	0.0	15,752.5	23,603.0	8,104.4	0.0	17,063.2	25,167.6
Statehood Defense	919.8	0.0	6.5	926.3	1,095.4	0.0	0.0	1,095.4	1,116.8	0.0	0.0	1,116.8
Oil and Gas Litigation & Legal	3,311.6	0.0	1,477.0	4,788.6	3,313.8	0.0	1,477.0	4,790.8	3,174.1	0.0	1,477.0	4,651.1
Administration and Support	889.9	0.0	593.7	1,483.6	896.0	0.0	679.8	1,575.8	934.8	0.0	691.7	1,626.5
Totals	26,515.4	361.3	19,645.8	46,522.5	26,737.1	480.4	19,549.2	46,766.7	27,639.0	488.4	20,879.1	49,006.5

Funding Source Summary

All dollars in thousands

Funding Sources	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
1002 Federal Receipts	361.3	480.4	488.4
1003 General Fund Match	120.3	158.6	164.0
1004 General Fund Receipts	25,943.2	26,122.5	27,002.8
1005 General Fund/Program Receipts	387.9	392.2	407.0
1007 Inter-Agency Receipts	16,929.6	16,966.6	18,280.8
1037 General Fund / Mental Health	64.0	63.8	65.2
1053 Investment Loss Trust Fund	118.7		
1055 Inter-agency/Oil & Hazardous Waste	450.0	470.8	481.1
1066 Public School Fund	43.3		
1105 Alaska Permanent Fund Corporation Receipts	1,477.0	1,477.0	1,477.0
1108 Statutory Designated Program Receipts	504.1	507.8	511.0
1134 Fish & Game Duplicated Expenditures	123.1	127.0	129.2
Totals	46,522.5	46,766.7	49,006.5

Position Summary

Funding Sources	FY2002 Authorized	FY2003 Governor
Permanent Full Time	467	474
Permanent Part Time	20	19
Non Permanent	1	0
Totals	488	493

Overview of Departmental Budget Changes

CRIMINAL DIVISION

The 3rd Judicial-Anchorage component is requesting an increment to annualize costs and another to fully fund positions that were underfunded in the FY 2002 budget. The annualization increment is for \$168,400 to address full-year costs for new prosecutors in Anchorage to handle the increased drunk driving prosecutions as a result of the 0.08% DWI law and the changes to the "look-back" periods for repeat DWI and felony DWI. The full-funding increment is for \$33,300 for costs for the therapeutic court prosecutors.

An annualization increment is requested in the 4th Judicial component for \$70,900 to provide full-year funding for the therapeutic court prosecutor for Bethel, which was funded for only six months in the FY 2002 budget.

Statutes mandate that the prosecution advise victims of the dates and times of all court proceedings. The prosecution must also notify witnesses of dates and times of proceedings where they must testify. A federal grant of \$25,000 has been received to partially fund the purchase of a telephone software program that will provide automatic notification of court events to victims and witnesses. The Criminal Justice Litigation component requests \$40,000 in general funds to fund the annual operating costs.

CIVIL DIVISION

\$98,700 in general funds is requested to support the work of the Fairbanks Human Services section in child abuse and juvenile delinquency cases. The section has no paraprofessional support; the heavy caseload of the 4 attorneys in the office and the broad geographical coverage of the office (including Barrow) demand this support. This is a cost-effective way to enable staff attorneys to more effectively manage their caseloads and deadlines.

\$106,500 in general funds is requested for the Collections & Support component to enable the division to fully implement the Victim Restitution project.

\$148,300 in general funds is requested for an attorney in the Anchorage Human Services section. This increment fully funds the therapeutic court's fiscal note for the Civil Division that accompanied the legislation in 2001. The addition of a superior court judge in Anchorage for the therapeutic court has negatively impacted the ability of the attorneys in the Human Services section to cover on-going court proceedings and cases, necessitating the need for another position in the section.

A total of \$210,600 in interagency receipts is requested to fund attorneys in Juneau to handle the increased workloads in the Divisions of Retirement and Benefits and Banking and Securities.

\$120,000 in general funds is requested by the Commercial Component to continue funding outside counsel in Washington D.C. to represent Alaska by responding to telecommunications issues raised by or before the Federal Communications Commission and the Congress where Alaska is impacted.

DEPARTMENT WIDE

The Department of Law implemented a reclassification of its legal support positions at the end of FY 2001. The study was undertaken primarily because recruitment of legal secretaries was becoming increasingly difficult. The study was completed in the late spring of FY 2001 and approved by the Division of Personnel in June. The reclassification called for higher salary ranges for nearly all positions involved in the study. The timing of the completion and approval of the study did not allow for inclusion in the FY 2002 budget request; however the department did make known the likely effects anticipated by the study to the legislature. Nearly all Criminal and Civil components were affected by the implementation of this study, and as a result, this budget request includes an increment for this purpose in each component. The total amount of funds requested, across all funding sources, is \$345,500.

Summary of Department Budget Changes by BRU

From FY2002 Authorized to FY2003 Governor

All dollars shown in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	26,737.1	480.4	19,549.2	46,766.7
Adjustments which will continue current level of service:				
-Criminal Division	286.4	6.3	4.5	297.2
-Civil Division	-290.7	0.0	280.0	-10.7
-Statehood Defense	19.1	0.0	0.0	19.1
-Oil and Gas Litigation & Legal	-150.0	0.0	0.0	-150.0
-Administration and Support	38.8	0.0	11.9	50.7
Proposed budget decreases:				
-Criminal Division	-6.5	0.0	0.0	-6.5
-Civil Division	0.0	0.0	-6.5	-6.5
Proposed budget increases:				
-Criminal Division	447.6	1.7	2.8	452.1
-Civil Division	544.6	0.0	1,037.2	1,581.8
-Statehood Defense	2.3	0.0	0.0	2.3
-Oil and Gas Litigation & Legal	10.3	0.0	0.0	10.3
FY2003 Governor	27,639.0	488.4	20,879.1	49,006.5

Criminal Division Budget Request Unit

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BRU Mission

The mission of the Criminal Division is to assure safe and healthy communities by prosecuting and convicting criminal offenders in urban and rural Alaska.

BRU Services Provided

1. The Criminal Division prosecutes all violations of state criminal law committed by adults, and a large portion of the serious crimes committed by juveniles. Prosecution services protect the public by convicting criminals and placing them under appropriate controls. Without these services, Alaskans would not be able to live in safe and healthy communities.

In the fiscal year ending June 30, 2001, over 28,000 cases (including 7,300 felony, 20,000 misdemeanor, and 1,500 other cases) were sent to the Criminal Division by police or probation agencies. This is an increase of roughly 40 percent in felonies and 10 percent in misdemeanors in the 1990s.

The increase in felony cases is largely the result of an upswing in drug crimes and probation violations for drug offenders. The Criminal Division workload has also been affected by a large number of domestic violence assaults, which are among the most time-consuming and difficult misdemeanor cases to prosecute. Those cases increased over 20 percent over the last four years, most likely due to mandatory arrest statutes in the Domestic Violence and Prevention Act of 1996.

2. The Criminal Division provides assistance to victims and witnesses of crimes, such as travel and per diem expenses, court-mandated witness fees, and information about court procedures, domestic violence restraining orders and violent crime compensation procedures. Demands on the victim-witness assistants have increased substantially over the last several years as a result of victims' rights laws enacted in 1989 and 1991, the Victims' Rights Amendment to the Alaska Constitution approved by the voters in 1994, and the Domestic Violence Prevention and Victim Protection Act of 1996. Two-thirds of the Criminal Division travel budget is used to bring victims and witnesses to court.
3. The Criminal Division represents the state in all criminal appellate proceedings and state and federal post-conviction and habeas corpus proceedings. These post-trial procedures are constitutionally required; when convicted criminals file such actions there must be a response by the state. Without these functions, the efforts of criminal justice agencies to detect and punish crime through investigation, trial, and conviction would be nullified. In addition, the BRU also handles civil litigation challenging statutes related to criminal justice, such as sex offender registration, victims' rights, and physician-assisted suicide.
4. The Criminal Division provides basic legal services to the Departments of Corrections and Public Safety, consisting of verbal and written advice, representation in civil litigation and administrative proceedings, and assistance with drafting legislation, regulations, policies, and procedures. The division also provides advice to the legislature on criminal justice matters, and handles all appeals of administrative license revocations by the Division of Motor Vehicles in the Department of Administration.
5. The Criminal Division activities are carried out in fifteen offices across the state. Thirteen regional prosecution offices provide day-to-day criminal prosecution services, as set out in paragraphs 1. and 2. above. An office in Anchorage handles appellate matters in the Court of Appeals, the Alaska Supreme Court and the federal courts, as described in paragraph 3. An office in Juneau is responsible for representing criminal justice system agencies and providing legislative advice, as described in paragraph 4. In addition, the Anchorage offices also have special units for:
 - a. narcotics prosecution (funded by the Department of Public Safety with federal money)
 - b. environmental crime (funded by the Department of Environmental Conservation)
 - c. child support enforcement (funded by the Department of Revenue)
 - d. welfare fraud (funded by the Department of Health and Social Services with federal money)
 - e. Medicaid provider fraud (75% federally-funded with a required 25% general fund match)

- f. selected fish and game prosecution (funded by the Fish and Game Fund)
- g. white collar and other special prosecution (general fund)

BRU Goals and Strategies

Goals and strategies appear at the component level.

Key BRU Issues for FY2002 – 2003

Issue No. 1: How to Respond to Increased Enforcement of Child Abuse Laws

Child abuse cases (both sexual and physical abuse) are among the most difficult to prosecute. Although sexual abuse cases are routinely reported and prosecuted, it is believed that child physical abuse cases are not as well reported or investigated. Recent attention focused on child physical abuse cases is likely to result in an increase in the number of such cases sent to prosecution offices for review and prosecution.

Issue No. 2: How to Respond to Increased Enforcement of Domestic Violence Laws

The Domestic Violence Prevention and Victim Protection Act of 1996 requires arrests to be made in all cases of domestic violence. Even before this requirement became law, many police agencies voluntarily adopted mandatory arrest policies, and the number of domestic violence cases grew to over half of all misdemeanor assaults and a large percentage of all felony assaults and murders. In the year following enactment of the 1996 Act, the percentage of misdemeanor assaults related to domestic violence increased to 65 percent, or nearly two out of every three, and has remained at that level. In the last year the Criminal Division handled 3,000 cases of misdemeanor domestic violence, including assaults, harassment, violating domestic violence orders and destruction of property.

Issue No. 3: How to Respond to the High Volume Of Sexual Offenses

After several years of a relatively stable number of felony sexual offenses being sent to prosecutors for review, the number of these cases increased dramatically to over 700 in FY1993. Cases of rape of adult women increased 16 percent to over 300, while cases of abuse of children increased 21 percent to 400. Those numbers leveled off in FY1994-2000, but there are still nearly 600 felony sexual offenses being sent to Criminal Division offices for review each year. This high level of sexual crimes and the high level of domestic violence are reflected in a growing number of requests for safe housing, reported by the Network on Domestic Violence and Sexual Assault.

Issue No. 4: How to Respond to Other Demands for Criminal Division Legal Services

Along with heavy criminal caseloads, the Criminal Division is also called on to defend the legality of new laws. For example, there is a great deal of ongoing litigation over the legality of sex offender registration laws and the Criminal Division recently successfully defended the manslaughter statute as it relates to physician-assisted suicide. Laws relating to victim rights, such as the right not to be secretly recorded by defense attorneys, are being challenged in court. New laws relating to minors consuming alcohol are also being challenged. Criminal Division attorneys are handling all these lawsuits. Criminal Division attorneys have also upheld challenges to the concealed handgun regulations, and annually the division handles dozens of appeals from driver license revocations imposed by the Division of Motor Vehicles in the Department of Administration.

In addition, the Criminal Division is being called on more and more to perform other functions. For example, Criminal Division attorneys spend significant amounts of time providing training to other agencies. The State Trooper Academy in Sitka has several courses each year to train new trooper and police recruits, as well as separate classes for village public safety officers and experienced police officers. Each course contains a component for legal training in the criminal code and criminal procedure, which requires instruction by a trained prosecutor. The Anchorage Police Department conducts similar training for its own recruits. The Department of Corrections has training requirements for correctional officers and probation officers, which also require experience attorneys for instruction. Community groups, such as victim service agencies, often require attorney training as well. In addition, prosecutors and paralegals participate in multidisciplinary teams to combat child abuse, various task forces, and other groups whose goals are to improve the criminal justice system or deal with a particular community problem.

Issue No. 5: How to Respond to Drug and Alcohol Offenses

The Criminal Division has participated in planning projects for drug courts, therapeutic courts, mental health courts, and other special programs with the court system, law enforcement, the Public Defender Agency, and the Department of Corrections.

Everyone recognizes that alcohol is at the root of a number of serious social problems in Alaska. The correlation between alcohol and crime is significant, and alcohol is implicated in an extremely high percentage of criminal and accidental deaths and injuries. In addition, many children are born with FAS or FAE because their mothers consumed alcohol during pregnancy. Experience has shown that the rate of crime can be decreased if alcohol availability is decreased. State law gives municipalities the option of banning or limiting alcohol in their communities, and many villages have voted for that local option. In areas that go completely dry (by banning possession of alcohol), the level of crime falls immediately and significantly, until bootleggers start to return alcohol to the region. Enforcement of local option laws is difficult, but the Criminal Division is actively working with the Alaska State Troopers and federal authorities to deal more aggressively with bootlegging, by increasing our alcohol interdiction efforts through the addition of prosecutors specifically assigned to those cases. An RSA with the Department of Public Safety funds a FY 2002 increased level of federal funding for heightened efforts in the area of alcohol interdiction.

Major BRU Accomplishments in 2001

Major accomplishments are reflected in the performance measures.

Key Performance Measures for FY2003

Measure:

The legislature intends to measure the success of the division in achieving its mission by considering, for each Criminal Division budget component the number of violent felony prosecutions;
Sec 94 (b) (1) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

FY 2000 - 1,115 FY 2001 - 1,109

Background and Strategies:

The following background is applicable to all the Criminal Division performance measures that follow:

The workload for the Criminal Division is driven by factors largely beyond its control, such as the staffing levels and policies of local police agencies, staffing levels of defense attorneys, whether municipalities control alcohol, and the policies and practices of local courts and local defense attorneys. As such, the division is able to exercise very little control over attorney caseload ratios and no control whatsoever over the volume of work coming in at any given time. Thus available quantitative information often does not show the effectiveness and competency of the work. For example, it is very difficult to draw meaningful conclusions based on conviction rates. More convictions don't necessarily mean that attorneys are doing a better job. Instead it may mean any or a combination of the following: (1) crime is up, (2) the police are conducting better investigations, (3) new laws are more effective, (4) the division is understaffed and therefore plea-bargaining more, (5) the public defender agency is understaffed and they are pleading out more of their clients.

Because Alaska is one of a very few states that handles all types of criminal offenses at the state level, useful comparative data of attorney caseload is impossible to attain. For these reasons, knowing the number of cases handled is the best measure of the division's performance.

The number of cases handled by the Criminal Division as shown in its performance measures reflects a levelling of caseload, after several years of increasing workload. With the decrease in crime reported at the national level, it is hoped that the current flattening of Alaska prosecutor caseloads will follow that trend and also go down. However, a decrease in caseloads is not at all certain. Although crime may drop overall, this will allow the police to fully investigate crimes that could not be investigated adequately before, so the overall number of cases being sent to

prosecutors may not decrease at all. In addition, there have been occasions in the past when prosecutor caseload levelled off from one year to the next, only to resume its steady upward climb after a couple years. We will have to wait at least another year or two before we can have any confidence in predicting a long-term change at hand.

Measure:

Number of felony drug case prosecutions;
Sec 94 (b) (2) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

FY 2000 - 691 FY 2001 - 675

Measure:

Number of misdemeanor domestic violence assault prosecutions;
Sec 94 (b) (3) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

FY 2000 - 2,200 FY 2001 - 2,255

Measure:

Number of felony property prosecutions;
Sec 94 (b) (4) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

FY 2000 - 1,179 FY 2001 - 1,128

Measure:

Number of felony drunk driving prosecutions;
Sec 94 (b) (5) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

FY 2000 - 235 FY 2001 - 228

Measure:

Number of misdemeanor drunk driving prosecutions;
Sec 94 (b) (6) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

FY 2000 - 3,267 FY 2001 - 3,260

Measure:

Number of felony cases in which charges that were initially accepted for prosecution are later reduced; and
Sec 94 (b) (7) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

FY 2001 - 1,581

Background and Strategies:

This measure was obtained using the following method of calculation method of calculation:

Of cases received in FY 2000, there were 3,749 persons whose cases were accepted for prosecution for a felony crime. Of those FY 2000 cases as of 10/23/2001, there were 3,532 felony defendants whose cases were resolved (94%). Of those cases resolved, 2,915 were convicted of some crime (83%). Of the cases that resulted in conviction, 1,581 were convicted of lesser charges than those which were accepted for prosecution (54%).

Final FY 2001 measures are not available because 20% of felony cases from that fiscal year are still outstanding.

Measure:

Number of misdemeanor cases in which charges that were initially accepted for prosecution are later reduced.
Sec 94 (b) (8) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

FY 2001 - 1,639

Background and Strategies:

This measure was obtained using the following method of calculation:

Of cases received in FY 2000, there were 17,219 persons whose cases were accepted for prosecution for a misdemeanor crime or a violation. Of those FY 2000 cases, as of 10/23/01 there were 16,586 misdemeanor defendants whose cases were resolved (96%). Of those cases resolved, 12,941 were convicted of some crime (78%). Of the cases that resulted in conviction, 1,639 were convicted of lesser charges than those which were accepted for prosecution (13%).

Final FY 2001 measures are not available because 10% of misdemeanor cases are still outstanding at this time.

Measure:

Number of new criminal cases reviewed for prosecution;
Sec 95 (b) (1) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

FY 2000 - 305 FY 2001 - 243

Measure:

Number of criminal cases resolved;
Sec 95 (b) (2) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

FY 2000 - 197 FY 2001 - 163

Background and Strategies:

In this context, "resolved" takes the same meaning as "closed".

Measure:

Number of new appeals and petitions opened;
Sec 95 (b) (3) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

FY 2000 - 335 FY 2001 - 315

Measure:

Number of appeals and petitions resolved;
Sec 95 (b) (4) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

FY 2000 - 149 FY 2001 - 148

Measure:

Average cost per criminal case reviewed;
Sec 95 (b) (5) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

FY 2000 - \$3,760 FY 2001 - \$4,490

Background and Strategies:

Although the FY 2001 overall costs of special criminal prosecutions were less than those incurred in FY 2000, the per case cost rose because overall costs were spread over a smaller number of cases as is evident when comparing the numbers of new cases reviewed in Sec 95 (b) (1).

Measure:

Average cost per appeal or petition opened.
Sec 95 (b) (6) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

FY 2000 - \$3,185 FY 2001 - \$3,598

Background and Strategies:

Per case costs for appeals and petitions opened will also vary as case numbers fluctuate.

Criminal Division
BRU Financial Summary by Component

All dollars in thousands

	FY2001 Actuals				FY2002 Authorized				FY2003 Governor			
	General Funds	Federal Funds	Other Funds	Total Funds	General Funds	Federal Funds	Other Funds	Total Funds	General Funds	Federal Funds	Other Funds	Total Funds
<u>Formula</u>												
<u>Expenditures</u>												
None.												
<u>Non-Formula</u>												
<u>Expenditures</u>												
First Judicial District	1,203.7	0.0	8.4	1,212.1	1,216.2	0.0	0.0	1,216.2	1,275.6	0.0	0.0	1,275.6
Second Judicial District	765.0	0.0	5.7	770.7	807.4	0.0	0.0	807.4	897.0	0.0	0.0	897.0
Third Judicial: Anchorage	3,067.9	0.0	374.8	3,442.7	3,457.6	0.0	594.0	4,051.6	3,503.9	0.0	403.2	3,907.1
Third JD: Outside Anchorage	2,355.0	0.0	36.2	2,391.2	2,218.7	0.0	0.0	2,218.7	2,488.3	0.0	1.6	2,489.9
Fourth Judicial District	2,759.6	0.0	19.0	2,778.6	2,803.0	0.0	300.0	3,103.0	2,956.2	0.0	301.9	3,258.1
Criminal Justice Litigation	1,416.2	0.0	228.2	1,644.4	1,612.0	0.0	206.8	1,818.8	1,587.2	0.0	188.7	1,775.9
Criminal Appeals/Special Lit	1,374.2	361.3	492.5	2,228.0	1,466.5	480.4	539.1	2,486.0	1,600.7	488.4	751.8	2,840.9
Totals	12,941.6	361.3	1,164.8	14,467.7	13,581.4	480.4	1,639.9	15,701.7	14,308.9	488.4	1,647.2	16,444.5

Criminal Division

Proposed Changes in Levels of Service for FY2003

The Anchorage District Attorney's Office lost one federally-funded narcotics prosecutor position, when the funding committee decided to relocate the position to the Mat-Su Valley, to deal with the growing amount of serious drug activity in that area. The Criminal Division believes that the number of drug prosecutors in the Anchorage area should not be decreased.

The 3rd Judicial-Anchorage component is requesting an increment to annualize costs and another to fully fund positions that were underfunded in the FY 2002 budget. The annualization increment is for \$168,400 to address full-year costs for new prosecutors in Anchorage to handle the increased drunk driving prosecutions as a result of the 0.08% DWI law and the changes to the "look-back" periods for repeat DWI and felony DWI. The full-funding increment is for \$33,300 for costs for the therapeutic court prosecutors. An annualization increment is requested in the 4th Judicial component for \$70,900 to provide full-year funding for the therapeutic court prosecutor for Bethel, which was funded for only six months in the FY 2002 budget.

Statutes mandate that the prosecution advise victims of the dates and times of all court proceedings. The prosecution must also notify witnesses of dates and times of proceedings where they must testify. A federal grant of \$25,000 has been received to partially fund the purchase of a program that will provide automatic notification of court events to victims and witnesses. The Criminal Justice Litigation component requests \$40,000 in general funds that would fund the annual operating costs.

Agency wide salary adjustments are also requested to fund the FY 2003 personal services cost increase in accordance with Ch 2 TSSLA 2000 (CSHB 3002(FIN)).

The Department of Law implemented a reclassification of its legal support positions in the final pay period of FY 2001. The study was undertaken for a number of reasons: primarily because recruitment of legal secretaries was becoming increasingly difficult – applicant pools were practically nonexistent in some locations – and retention was increasingly problematic – 46% of legal secretary positions turned over in FY 2000; additionally the class specifications for these positions had last been reviewed in 1969, long before the technology explosion; finally, the State had undertaken a study of the Secretary I&II positions in 1998 and collapsed them into the upper range of 11 – while Legal Secretary I's remained at range 10 (this latter set of circumstances resulted in a union grievance against the state). The Legal Secretary study commenced in February of 2000. The department appointed a temporary classification specialist to undertake the technical work. Each legal secretary position and office manager position in the department was separately reviewed. The study was completed in the late spring of FY 2001 and approved by the Division of Personnel in June. The reclassification called for higher salary ranges for nearly all positions involved in the study. The timing of the completion and approval of the study did not allow for inclusion in the FY 2002 budget request, however the department did make known the likely effects anticipated by the study to all affected parties, including the legislature. All Criminal Division components were affected by the implementation of this study, and as a result, this budget request includes an increment for this purpose in each component.

Criminal Division

Summary of BRU Budget Changes by Component

From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	13,581.4	480.4	1,639.9	15,701.7
Adjustments which will continue current level of service:				

-First Judicial District	45.6	0.0	0.0	45.6
-Second Judicial District	75.0	0.0	0.0	75.0
-Third Judicial: Anchorage	-184.8	0.0	-192.7	-377.5
-Third JD: Outside Anchorage	246.7	0.0	1.6	248.3
-Fourth Judicial District	53.1	0.0	1.9	55.0
-Criminal Justice Litigation	-73.7	0.0	-18.1	-91.8
-Criminal Appeals/Special Lit	124.5	6.3	211.8	342.6
Proposed budget decreases:				
-Third Judicial: Anchorage	-6.5	0.0	0.0	-6.5
Proposed budget increases:				
-First Judicial District	13.8	0.0	0.0	13.8
-Second Judicial District	14.6	0.0	0.0	14.6
-Third Judicial: Anchorage	237.6	0.0	1.9	239.5
-Third JD: Outside Anchorage	22.9	0.0	0.0	22.9
-Fourth Judicial District	100.1	0.0	0.0	100.1
-Criminal Justice Litigation	48.9	0.0	0.0	48.9
-Criminal Appeals/Special Lit	9.7	1.7	0.9	12.3
FY2003 Governor	14,308.9	488.4	1,647.2	16,444.5

Component: First Judicial District

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Component Mission

Mission statement appears at the department summary and BRU levels.

Component Services Provided

(A) The District Attorney offices in this component prosecute all violations of state criminal law in Alaska, with the exception of specialized prosecutions undertaken by the Office of Special Prosecutions and Appeals. In addition to filing criminal charges and conducting criminal trials, the offices give day-to-day advice to state and local law enforcement agencies conducting criminal investigations, serve as legal advisor to grand juries, and handle sentence appeals and probation revocation actions. Prosecution services protect the public by convicting criminal offenders and placing them under appropriate controls, and by revoking probation if they do not comply with conditions of supervision. Without these services, Alaskans would not be able to live in safe and healthy communities.

(B) The District Attorney offices provide victim-witness assistance services such as travel and per diem expenses, court-mandated witness fees, information on court procedures required by statute and the Alaska Constitution, and assistance with domestic violence orders and violent crimes compensation procedures.

Two-thirds of all travel costs in the BRU are due to transportation and per diem for witnesses needed for court proceedings. Demands on the victim-witness assistants increased substantially over the last several years as a result of victims' rights laws that passed in 1989 and 1991, as a result of the passage of the Victims' Rights Amendment to the Alaska Constitution in 1994 and the Domestic Violence Prevention and Victim Protection Act of 1996. Victim-witness services are an indispensable element in the daily operation of the criminal justice system.

(C) The services are delivered by seven attorneys in three offices in Juneau, Ketchikan, and Sitka. In the fiscal year ending June 30, 2001, over 3,500 criminal cases (700 felonies and over 3,000 misdemeanors) were referred for prosecution or probation revocation.

Component Goals and Strategies

The primary goal of this component is to assure safe and healthy communities by prosecuting and convicting criminal offenders in urban and rural Alaska.

Key Component Issues for FY2002 – 2003

Key Issues are included at the BRU level.

Major Component Accomplishments in 2001

Major accomplishments are reflected in the performance measures.

Statutory and Regulatory Authority

AS 44.23.020

First Judicial District
Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	999.5	1,005.7	1,065.1
72000 Travel	106.6	94.2	94.2
73000 Contractual	76.3	89.5	89.5
74000 Supplies	15.7	26.8	26.8
75000 Equipment	14.0	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	1,212.1	1,216.2	1,275.6
Funding Sources:			
1004 General Fund Receipts	1,203.7	1,216.2	1,275.6
1053 Investment Loss Trust Fund	6.1	0.0	0.0
1108 Statutory Designated Program Receipts	2.3	0.0	0.0
Funding Totals	1,212.1	1,216.2	1,275.6

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
Unrestricted Fund	68515	0.3	0.0	0.0	0.0	0.0
Unrestricted Total		0.3	0.0	0.0	0.0	0.0
Restricted Revenues						
Statutory Designated Program Receipts	51063	2.3	0.0	0.0	0.0	0.0
Investment Loss Trust Fund	51393	6.1	0.0	0.0	0.0	0.0
Restricted Total		8.4	0.0	0.0	0.0	0.0
Total Estimated Revenues		8.7	0.0	0.0	0.0	0.0

First Judicial District

Proposed Changes in Levels of Service for FY2003

No changes were made in FY2002 and none are requested for FY2003.

Summary of Component Budget Changes

From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	1,216.2	0.0	0.0	1,216.2
Adjustments which will continue current level of service:				
-Adjust vacancy by fund source between line items and components ADN# 0320123	26.9	0.0	0.0	26.9
-Year 3 Labor Costs - Net Change from FY2002	24.6	0.0	0.0	24.6
-Adjust vacancy by fund source between line items and components	-5.9	0.0	0.0	-5.9
Proposed budget increases:				
-Legal Secretary Reclassification	13.8	0.0	0.0	13.8
FY2003 Governor	1,275.6	0.0	0.0	1,275.6

First Judicial District

Personal Services Information

Authorized Positions			Personal Services Costs	
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	16	16	Annual Salaries	810,034
Part-time	0	0	COLA	23,675
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	253,109
			<i>Less 2.00% Vacancy Factor</i>	(21,736)
			Lump Sum Premium Pay	0
Totals	16	16	Total Personal Services	1,065,082

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Administrative Clerk I	0	0	0	1	1
Administrative Clerk II	0	0	1	1	2
Attorney III	0	0	0	1	1
Attorney IV	0	0	1	2	3
Attorney V	0	0	2	1	3
Law Office Assistant I	0	0	1	1	2
Law Office Assistant II	0	0	1	1	2
Victim/Witness Paralegal II	0	0	1	1	2
Totals	0	0	7	9	16

Component: Second Judicial District

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Component Mission

Mission statement appears at the department summary and BRU levels.

Component Services Provided

(A) The District Attorney offices in this component prosecute all violations of state criminal law in Alaska, with the exception of specialized prosecutions undertaken by the Office of Special Prosecutions and Appeals. In addition to filing criminal charges and conducting criminal trials, the offices give day-to-day advice to state and local law enforcement agencies conducting criminal investigations, serve as legal advisor to grand juries, and handle sentence appeals and probation revocation actions. Prosecution services protect the public by convicting criminal offenders and placing them under appropriate controls, and by revoking probation if they do not comply with conditions of supervision. Without these services, Alaskans would not be able to live in safe and healthy communities.

(B) The District Attorney offices provide victim-witness assistance services such as travel and per diem expenses, court-mandated witness fees, information on court procedures required by statute and the Alaska Constitution, and assistance with domestic violence orders and violent crimes compensation procedures.

Two-thirds of all travel costs in the BRU are due to transportation and per diem for witnesses needed for court proceedings. Demands on the victim-witness assistants increased substantially over the last several years as a result of victims' rights laws that passed in 1989 and 1991, as a result of the passage of the Victims' Right Amendment to the Alaska Constitution in 1994 and the Domestic Violence Prevention and Victim Protection Act of 1996. Victim-witness services are an indispensable element in the daily operation of the criminal justice system.

(C) The services are delivered by four attorneys in three offices in Nome, Kotzebue, and Barrow. In the fiscal year ending June 30, 2001, over 2,000 criminal cases (400 felonies and 1,800 misdemeanors) were referred for prosecution or probation revocation. In Barrow, the one-attorney office receives periodic assistance from Fairbanks.

Component Goals and Strategies

The primary goal of this component is to assure safe and healthy communities by prosecuting and convicting criminal offenders in rural Alaska.

Key Component Issues for FY2002 – 2003

Key Issues are included at the BRU level.

Major Component Accomplishments in 2001

Major accomplishments are reflected in the performance measures.

Statutory and Regulatory Authority

AS 44.23.020

Second Judicial District

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	660.0	642.8	732.4
72000 Travel	37.3	70.5	70.5
73000 Contractual	48.6	62.7	62.7
74000 Supplies	15.6	31.4	31.4
75000 Equipment	9.2	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	770.7	807.4	897.0
Funding Sources:			
1004 General Fund Receipts	765.0	807.4	897.0
1053 Investment Loss Trust Fund	4.1	0.0	0.0
1108 Statutory Designated Program Receipts	1.6	0.0	0.0
Funding Totals	770.7	807.4	897.0

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
Unrestricted Fund	68515	0.8	0.0	0.0	0.0	0.0
Unrestricted Total		0.8	0.0	0.0	0.0	0.0
Restricted Revenues						
Statutory Designated Program Receipts	51063	1.6	0.0	0.0	0.0	0.0
Investment Loss Trust Fund	51393	4.1	0.0	0.0	0.0	0.0
Restricted Total		5.7	0.0	0.0	0.0	0.0
Total Estimated Revenues		6.5	0.0	0.0	0.0	0.0

Second Judicial District

Proposed Changes in Levels of Service for FY2003

No changes were made in FY2002, and none are requested for FY2003.

Summary of Component Budget Changes

From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	807.4	0.0	0.0	807.4
Adjustments which will continue current level of service:				
-Adjust vacancy by fund source between line items and components ADN# 0320123	69.1	0.0	0.0	69.1
-Year 3 Labor Costs - Net Change from FY2002	15.3	0.0	0.0	15.3
-Adjust vacancy by fund source between line items and components	-9.4	0.0	0.0	-9.4
Proposed budget increases:				
-Legal Secretary Reclassification	14.6	0.0	0.0	14.6
FY2003 Governor	897.0	0.0	0.0	897.0

Second Judicial District
Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	8	8	Annual Salaries	565,714
Part-time	0	0	COLA	16,430
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	150,264
			<i>Less 0.00% Vacancy Factor</i>	(0)
			Lump Sum Premium Pay	0
Totals	8	8	Total Personal Services	732,408

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Attorney IV	0	0	0	2	2
Attorney V	0	0	0	2	2
Law Office Assistant I	0	0	0	1	1
Law Office Assistant II	0	0	0	2	2
Victim/Witness Paralegal II	0	0	0	1	1
Totals	0	0	0	8	8

Component: Third Judicial District: Anchorage

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Component Mission

Mission statement appears at the department summary and BRU levels.

Component Services Provided

(A) The office in this component prosecutes all violations of state criminal law in Alaska, with the exception of specialized prosecutions undertaken by the Office of Special Prosecutions and Appeals. In addition to filing criminal charges and conducting criminal trials, the office gives day-to-day advice to state and local law enforcement agencies conducting criminal investigations, serves as legal advisor to grand juries, and handles sentence appeals and probation revocation actions. Prosecution services protect the public by convicting criminal offenders and placing them under appropriate controls, and by revoking probation if they do not comply with conditions of supervision. Without these services, Alaskans would not be able to live in safe and healthy communities.

(B) The District Attorney's office provides victim-witness assistance services such as travel and per diem expenses, court-mandated witness fees, information on court procedures required by statute and the Alaska Constitution, and assistance with domestic violence orders and violent crimes compensation procedures.

Two-thirds of all travel costs in the BRU are due to transportation and per diem for witnesses needed for court proceedings. Demands on the victim-witness assistants increased substantially over the last several years as a result of victims' rights laws that passed in 1989 and 1991, as a result of the passage of the Victims' Rights Amendment to the Alaska Constitution in 1994 and the Domestic Violence Prevention and Victim Protection Act of 1996. Victim-witness services are an indispensable element in the daily operation of the criminal justice system.

(C) The services are delivered by 27 attorneys (three are largely funded through a federally funded reimbursable services agreement from the Department of Public Safety) in one office in Anchorage. The office also supervises the one attorney in Dillingham who is budgeted in the Third Judicial District: Outside Anchorage Component. In the fiscal year ending June 30, 2001, the Anchorage office handled over 5,000 cases. There were nearly 3,000 new felonies or felony probation revocations referred for prosecution in the Anchorage office. In addition, over 2,000 misdemeanor cases and probation revocations were handled by the Anchorage office, despite the fact that that Municipal Attorney's office handles the bulk of misdemeanor cases occurring in Anchorage.

Component Goals and Strategies

The primary goal of this component is to assure safe and healthy communities by prosecuting and convicting criminal offenders in urban Alaska. The federally funded drug unit provides prosecution of drug offenses in Anchorage and serves as a legal resource for drug investigation and prosecution in the rest of the state.

Key Component Issues for FY2002 – 2003

The Anchorage District Attorney's Office lost one federally-funded narcotics prosecutor position, when the funding committee decided to relocate the position to the Mat-Su Valley, to deal with the growing amount of serious drug activity in that area. The Criminal Division believes that the number of drug prosecutors in the Anchorage area should not be decreased.

Major Component Accomplishments in 2001

Major accomplishments are reflected in the performance measures.

Statutory and Regulatory Authority

AS 44.23.020

Third Judicial District: Anchorage

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	3,122.6	3,546.8	3,456.0
72000 Travel	85.1	123.1	89.4
73000 Contractual	167.8	271.9	269.0
74000 Supplies	50.0	64.8	54.2
75000 Equipment	17.2	45.0	38.5
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	3,442.7	4,051.6	3,907.1
Funding Sources:			
1004 General Fund Receipts	3,067.9	3,457.6	3,503.9
1007 Inter-Agency Receipts	353.8	594.0	403.2
1053 Investment Loss Trust Fund	15.2	0.0	0.0
1108 Statutory Designated Program Receipts	5.8	0.0	0.0
Funding Totals	3,442.7	4,051.6	3,907.1

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
Unrestricted Fund	68515	0.7	0.0	0.0	0.0	0.0
Unrestricted Total		0.7	0.0	0.0	0.0	0.0
Restricted Revenues						
Interagency Receipts	51015	353.8	594.0	312.7	403.2	403.2
Statutory Designated Program Receipts	51063	5.8	0.0	0.0	0.0	0.0
Investment Loss Trust Fund	51393	15.2	0.0	0.0	0.0	0.0
Restricted Total		374.8	594.0	312.7	403.2	403.2
Total Estimated Revenues		375.5	594.0	312.7	403.2	403.2

Third Judicial District: Anchorage

Proposed Changes in Levels of Service for FY2003

The 3rd Judicial-Anchorage component is requesting an increment to annualize costs and another to fully fund positions that were underfunded in the FY 2002 budget. The annualization increment is for \$168,400 to address full-year costs for new prosecutors in Anchorage to handle the increased drunk driving prosecutions as a result of the 0.08% DWI law and the changes to the "look-back" periods for repeat DWI and felony DWI. The full-funding increment is for \$33,300 for costs for the therapeutic court prosecutors.

Summary of Component Budget Changes

From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	3,457.6	0.0	594.0	4,051.6
Adjustments which will continue current level of service:				
-PCN 03-1250 w/ funding to Criminal Appeals/Special Litigation ADN# 0320113	0.0	0.0	-200.0	-200.0
-Adjust vacancy by fund source between line items and components ADN# 0320123	-172.5	0.0	0.0	-172.5
-Year 3 Labor Costs - Net Change from FY2002	72.1	0.0	7.3	79.4
-Adjust vacancy by fund source between line items and components	-84.4	0.0	0.0	-84.4
Proposed budget decreases:				
-Back out one-time equipment costs related to HB 179	-6.5	0.0	0.0	-6.5
Proposed budget increases:				
-Legal Secretary Reclassification	35.9	0.0	1.9	37.8
-.08 Blood Alcohol/Felony DWI - Annualize Fiscal Note Funding	168.4	0.0	0.0	168.4
-Therapeutic Courts - Fully Fund Fiscal Note	33.3	0.0	0.0	33.3
FY2003 Governor	3,503.9	0.0	403.2	3,907.1

Third Judicial District: Anchorage

Personal Services Information

Authorized Positions		Personal Services Costs	
	<u>FY2002</u>	<u>FY2003</u>	
	<u>Authorized</u>	<u>Governor</u>	
Full-time	54	53	Annual Salaries 2,743,533
Part-time	1	1	COLA 84,376
Nonpermanent	0	0	Premium Pay 0
			Annual Benefits 848,655
			Less 6.00% Vacancy Factor (220,596)
			Lump Sum Premium Pay 0
Totals	55	54	Total Personal Services 3,455,968

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Administrative Clerk I	2	0	0	0	2
Administrative Clerk II	3	0	0	0	3
Assoc Attorney II	1	0	0	0	1
Attorney III	9	0	0	0	9
Attorney IV	12	0	0	0	12
Attorney V	6	0	0	0	6
Attorney VI	1	0	0	0	1
Law Office Assistant I	10	0	0	0	10
Law Office Assistant II	3	0	0	0	3
Law Office Manager II	1	0	0	0	1
Victim/Witness Paralegal I	2	0	0	0	2
Victim/Witness Paralegal II	4	0	0	0	4
Totals	54	0	0	0	54

Component: Third Judicial District: Outside Anchorage

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Component Mission

Mission statement appears at the department summary and BRU levels.

Component Services Provided

(A) The District Attorney offices in this component prosecute all violations of state criminal law in Alaska, with the exception of specialized prosecutions undertaken by the Office of Special Prosecutions and Appeals. In addition to filing criminal charges and conducting criminal trials, the offices give day-to-day advice to state and local law enforcement agencies conducting criminal investigations, serve as legal advisor to grand juries, and handle sentence appeals and probation revocation actions. Prosecution services protect the public by convicting criminal offenders and placing them under appropriate controls, and by revoking probation if they do not comply with conditions of supervision. Without these services, Alaskans would not be able to live in safe and healthy communities.

(B) The District Attorney offices provide victim-witness assistance services such as travel and per diem expenses, court-mandated witness fees, information on court procedures required by statute and the Alaska Constitution, and assistance with domestic violence orders and violent crimes compensation procedures

Two-thirds of all travel costs in the BRU are due to transportation and per diem for witnesses needed for court proceedings. Demands on the victim-witness assistants increased substantially over the last several years as a result of victims' rights laws that passed in 1989 and 1991, as a result of the passage of the Victims' Rights Amendment to the Alaska Constitution in 1994 and the Domestic Violence Prevention and Victim Protection Act of 1996. Victim-witness services are an indispensable element in the daily operation of the criminal justice system.

(C) The services are delivered by 14 attorneys in four offices in Palmer, Kenai, Kodiak, and Dillingham. The one attorney in Dillingham is supervised by the Anchorage District Attorney's Office. In the fiscal year ending June 30, 2001, the offices dealt with over 7,000 cases (over 1,000 felony and nearly 6,000 misdemeanors) that were referred for prosecution or probation revocation in Palmer, Kenai, Kodiak and Dillingham.

Component Goals and Strategies

The primary goal of this component is to assure safe and healthy communities by prosecuting and convicting criminal offenders in urban and rural Alaska.

Key Component Issues for FY2002 – 2003

One attorney position was added to the Palmer office beginning September 2001. The position was originally in Anchorage, but transferred to Palmer due to a decision by the funding committee that allocates the federal funds that pay for the position.

Major Component Accomplishments in 2001

Major accomplishments are reflected in the performance measures.

Statutory and Regulatory Authority

AS 44.23.020

Third Judicial District: Outside Anchorage

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	2,007.0	1,916.3	2,187.5
72000 Travel	147.0	114.5	114.5
73000 Contractual	176.1	154.9	154.9
74000 Supplies	40.0	33.0	33.0
75000 Equipment	21.1	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	2,391.2	2,218.7	2,489.9
Funding Sources:			
1004 General Fund Receipts	2,355.0	2,218.7	2,488.3
1007 Inter-Agency Receipts	21.1	0.0	1.6
1053 Investment Loss Trust Fund	10.9	0.0	0.0
1108 Statutory Designated Program Receipts	4.2	0.0	0.0
Funding Totals	2,391.2	2,218.7	2,489.9

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
Unrestricted Fund	68515	1.1	0.0	0.0	0.0	0.0
Unrestricted Total		1.1	0.0	0.0	0.0	0.0
Restricted Revenues						
Interagency Receipts	51015	21.1	0.0	104.3	0.0	0.0
Statutory Designated Program Receipts	51063	4.2	0.0	0.0	0.0	0.0
Investment Loss Trust Fund	51393	10.9	0.0	0.0	0.0	0.0
Restricted Total		36.2	0.0	104.3	0.0	0.0
Total Estimated Revenues		37.3	0.0	104.3	0.0	0.0

Third Judicial District: Outside Anchorage
Proposed Changes in Levels of Service for FY2003

None.

Summary of Component Budget Changes
From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	2,218.7	0.0	0.0	2,218.7
Adjustments which will continue current level of service:				
-Adjust vacancy by fund source between line items and components ADN# 0320123	103.4	0.0	0.0	103.4
-Year 3 Labor Costs - Net Change from FY2002	44.8	0.0	1.6	46.4
-Adjust vacancy by fund source between line items and components	98.5	0.0	0.0	98.5
Proposed budget increases:				
-Legal Secretary Reclassification	22.9	0.0	0.0	22.9
FY2003 Governor	2,488.3	0.0	1.6	2,489.9

Third Judicial District: Outside Anchorage

Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	28	30	Annual Salaries	1,719,795
Part-time	0	0	COLA	50,929
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	507,951
			Less 4.00% Vacancy Factor	(91,148)
			Lump Sum Premium Pay	0
Totals	28	30	Total Personal Services	2,187,527

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Administrative Clerk II	0	0	0	3	3
Attorney III	0	0	0	2	2
Attorney IV	0	0	0	8	8
Attorney V	0	0	0	4	4
Law Office Assistant I	0	0	0	5	5
Law Office Assistant II	0	0	0	2	2
Victim/Witness Paralegal II	0	0	0	6	6
Totals	0	0	0	30	30

Component: Fourth Judicial District

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Component Mission

Mission statement appears at the department summary and BRU levels.

Component Services Provided

(A) The District Attorney offices in this component prosecute all violations of state criminal law in Alaska, with the exception of specialized prosecutions undertaken by the Office of Special Prosecutions and Appeals. In addition to filing criminal charges and conducting criminal trials, the offices give day-to-day advice to state and local law enforcement agencies conducting criminal investigations, serve as legal advisor to grand juries, and handle sentence appeals and probation revocation actions. Prosecution services protect the public by convicting criminal offenders and placing them under appropriate controls, and by revoking probation if they do not comply with conditions of supervision. Without these services, Alaskans would not be able to live in safe and healthy communities.

(B) The District Attorney offices provide victim-witness assistance services such as travel and per diem expenses, court-mandated witness fees, information on court procedures required by statute and the Alaska Constitution, and assistance with domestic violence orders and violent crimes compensation procedures.

Two-thirds of all travel costs in the BRU are due to transportation and per diem for witnesses needed for court proceedings. Demands on the victim-witness assistants increased substantially over the last several years as a result of victims' rights laws that passed in 1989 and 1991, as a result of the passage of the Victims' Rights Amendment to the Alaska Constitution in 1994 and the Domestic Violence Prevention and Victim Protection Act of 1996. Victim-witness services are an indispensable element in the daily operation of the criminal justice system.

(C) The services are delivered by 13 attorneys in Fairbanks, who provide regular assistance and supervision to the office in Barrow, and by five attorneys in Bethel. In the fiscal year ending June 30, 2001, over 7000 criminal cases (1,300 felonies and 6,000 misdemeanors) were referred for prosecution or probation revocation.

Component Goals and Strategies

The primary goal of this component is to assure safe and healthy communities by prosecuting and convicting criminal offenders in urban and rural Alaska.

Key Component Issues for FY2002 – 2003

The Court System has moved to a new courthouse in Fairbanks several blocks from the current courthouse. Since the attorneys and staff will no longer be in the same building as the courtrooms, a significant amount of attorney time is spent traveling to and from the new courthouse. In addition, staff are required to shuttle victims and witnesses from the office to the courthouse for court proceedings. The new courthouse is also inefficient because it greatly limits the amount of space available for grand juries, which is a hardship on grand jurors, witnesses and attorneys. At this time, it is difficult to predict how much time will be wasted on travel back and forth. We are beginning discussions with The Department of Administration to consider alternatives for the Fairbanks office location. If a new office location cannot be found, future funding may be sought to increase the number of attorneys serving the fourth judicial district.

Major Component Accomplishments in 2001

Major accomplishments are reflected in the performance measures.

Statutory and Regulatory Authority

AS 44.23.020

Fourth Judicial District
Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	2,374.3	2,628.3	2,773.0
72000 Travel	192.2	229.2	229.4
73000 Contractual	149.1	161.9	171.3
74000 Supplies	51.2	64.1	64.9
75000 Equipment	11.8	19.5	19.5
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	2,778.6	3,103.0	3,258.1
Funding Sources:			
1004 General Fund Receipts	2,759.6	2,803.0	2,956.2
1007 Inter-Agency Receipts	0.0	300.0	301.9
1053 Investment Loss Trust Fund	13.7	0.0	0.0
1108 Statutory Designated Program Receipts	5.3	0.0	0.0
Funding Totals	2,778.6	3,103.0	3,258.1

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
Unrestricted Fund	68515	3.6	0.0	0.0	0.0	0.0
Unrestricted Total		3.6	0.0	0.0	0.0	0.0
Restricted Revenues						
Interagency Receipts	51015	0.0	300.0	300.0	301.9	301.9
Statutory Designated Program Receipts	51063	5.3	0.0	0.0	0.0	0.0
Investment Loss Trust Fund	51393	13.7	0.0	0.0	0.0	0.0
Restricted Total		19.0	300.0	300.0	301.9	301.9
Total Estimated Revenues		22.6	300.0	300.0	301.9	301.9

Fourth Judicial District

Proposed Changes in Levels of Service for FY2003

An annualization increment is requested in the 4th Judicial component for \$70,900 to provide full-year funding for the therapeutic court prosecutor for Bethel, which was funded for only six months in the FY 2002 budget.

Summary of Component Budget Changes

From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	2,803.0	0.0	300.0	3,103.0
Adjustments which will continue current level of service:				
-Adjust vacancy by fund source between line items and components ADN# 0320123	51.5	0.0	0.0	51.5
-Year 3 Labor Costs - Net Change from FY2002	58.4	0.0	1.9	60.3
-Adjust vacancy by fund source between line items and components	-56.8	0.0	0.0	-56.8
Proposed budget increases:				
-Legal Secretary Reclassification	29.2	0.0	0.0	29.2
-Therapeutic Court - Annualize Fiscal Note Funding	70.9	0.0	0.0	70.9
FY2003 Governor	2,956.2	0.0	301.9	3,258.1

Fourth Judicial District
Personal Services Information

Authorized Positions		Personal Services Costs	
	<u>FY2002</u>	<u>FY2003</u>	
	<u>Authorized</u>	<u>Governor</u>	
Full-time	37	37	Annual Salaries 2,232,923
Part-time	0	0	COLA 66,947
Nonpermanent	0	0	Premium Pay 0
			Annual Benefits 638,772
			<i>Less 5.64% Vacancy Factor</i> (165,642)
			Lump Sum Premium Pay 0
Totals	37	37	Total Personal Services 2,773,000

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Administrative Clerk I	0	2	0	0	2
Administrative Clerk II	0	1	0	1	2
Attorney I	0	1	0	0	1
Attorney III	0	2	0	1	3
Attorney IV	0	8	0	4	12
Attorney V	0	1	0	1	2
Attorney VI	0	1	0	0	1
Law Office Assistant I	0	4	0	1	5
Law Office Assistant II	0	1	0	1	2
Law Office Manager I	0	1	0	0	1
Victim/Witness Paralegal II	0	3	0	3	6
Totals	0	25	0	12	37

Component: Criminal Justice Litigation

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Component Mission

Mission statement appears at the department summary and BRU levels.

Component Services Provided

(A) This section provides basic legal services to the Department of Corrections and the Department of Public Safety, consisting of verbal and written advice, representation in civil litigation and administrative proceedings, and assistance with drafting legislation, regulations, policies, and procedures. Services are provided to the Department of Public Safety (State Troopers, State Trooper Academy, Fire Prevention, Fish and Wildlife Protection, Administrative Services, Alaska Police Standards Council, Violent Crimes Compensation Board, and the Statewide Scientific Crime Detection Laboratory) and the Department of Corrections (Institutions, Prison Programs, Probation Services, Corrections Academy and Parole Board). This section also provides assistance to the Departments of Corrections and Health and Social Services on special projects related to prison capacity and juvenile justice.

(B) This section handles all administrative appeals of driver license revocations by the Division of Motor Vehicles in the Department of Administration.

(C) This section advises the governor and the legislature on criminal justice legislation.

(D) This section provides overall administration of the BRU and sets policy for all offices in the BRU by monitoring and approving budgetary expenditures, setting uniform prosecution policies, maintaining a case management system, and being responsible for personnel matters.

(E) The services are delivered by three attorneys located in Anchorage and four attorneys in Juneau.

Component Goals and Strategies

The goal of the Criminal Justice Litigation and Legal Services section is to support the departments of Corrections and Public Safety by providing day-to-day legal advice, and to provide administrative and policy direction to all state prosecution offices. An additional goal is to maintain an effective criminal justice system by assisting the administration and the legislature in reviewing and enacting effective criminal justice legislation.

Key Component Issues for FY2002 – 2003

Key Issues are included at the BRU level.

Major Component Accomplishments in 2001

Objective 1: Uphold the administrative decisions of the state's prison system by defending the state against prisoner lawsuits in state and federal courts.

Number of prisoner lawsuits defended: 70

Objective 2: Uphold the administrative revocation of driver licenses by the Division of Motor Vehicles by opposing requests for stays of revocations and handling appeals of those revocations.

Number of license revocation cases handled: 50

Statutory and Regulatory Authority

AS 44.23.020

Criminal Justice Litigation

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	1,080.1	1,298.4	1,225.5
72000 Travel	93.6	102.6	102.6
73000 Contractual	297.8	370.7	400.7
74000 Supplies	79.6	47.1	47.1
75000 Equipment	93.3	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	1,644.4	1,818.8	1,775.9
Funding Sources:			
1004 General Fund Receipts	1,416.2	1,612.0	1,587.2
1007 Inter-Agency Receipts	217.3	206.8	188.7
1053 Investment Loss Trust Fund	7.9	0.0	0.0
1108 Statutory Designated Program Receipts	3.0	0.0	0.0
Funding Totals	1,644.4	1,818.8	1,775.9

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
Unrestricted Fund	68515	0.4	0.0	0.0	0.0	0.0
Unrestricted Total		0.4	0.0	0.0	0.0	0.0
Restricted Revenues						
Interagency Receipts	51015	217.3	206.8	206.8	188.7	169.5
Statutory Designated Program Receipts	51063	3.0	0.0	0.0	0.0	0.0
Investment Loss Trust Fund	51393	7.9	0.0	0.0	0.0	0.0
Restricted Total		228.2	206.8	206.8	188.7	169.5
Total Estimated Revenues		228.6	206.8	206.8	188.7	169.5

Criminal Justice Litigation**Proposed Changes in Levels of Service for FY2003**

Victim Notification for Court Proceedings. Statutes mandate that the prosecution advise victims of the dates and times of all court proceedings. The prosecution must also notify witnesses of dates and times of proceedings where they must testify. A federal grant of \$25,000 has been received by the Department of Public Safety and will be RSA'd to the Department of Law. Funds will be used to contract with a firm who will provide a program that will automatically notify victims and witnesses of court events. In the first year, the start up costs to enter into the contract are \$65,000. The ongoing annual contractual amount will be \$40,000 in general funds.

Summary of Component Budget Changes**From FY2002 Authorized to FY2003 Governor***All dollars in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	1,612.0	0.0	206.8	1,818.8
Adjustments which will continue current level of service:				
-Adjust vacancy by fund source between line items and components ADN# 0320123	-98.1	0.0	0.0	-98.1
-Year 3 Labor Costs - Net Change from FY2002	27.9	0.0	1.9	29.8
-Victim Witness Effort	20.0	0.0	-20.0	0.0
-Adjust vacancy by fund source between line items and components	-23.5	0.0	0.0	-23.5
Proposed budget increases:				
-Legal Secretary Reclassification	8.9	0.0	0.0	8.9
-Victim Notification for Court Proceedings	40.0	0.0	0.0	40.0
FY2003 Governor	1,587.2	0.0	188.7	1,775.9

Criminal Justice Litigation

Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	17	17	Annual Salaries	951,186
Part-time	0	0	COLA	30,239
Nonpermanent	1	0	Premium Pay	0
			Annual Benefits	278,204
			<i>Less 2.71% Vacancy Factor</i>	(34,129)
			Lump Sum Premium Pay	0
Totals	18	17	Total Personal Services	1,225,500

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Administrative Clerk II	0	0	1	0	1
Administrative Clerk III	0	0	1	0	1
Assoc Attorney I	2	0	0	0	2
Assoc Attorney II	0	0	2	0	2
Attorney IV	1	0	1	0	2
Attorney V	1	0	2	0	3
Attorney VI	0	0	1	0	1
Dep Attorney General	1	0	0	0	1
Law Office Assistant I	2	0	2	0	4
Totals	7	0	10	0	17

Component: Criminal Appeals/Special Litigation Component

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Component Mission

Mission statement appears at the department summary and BRU levels.

Component Services Provided

(A) The Office of Special Prosecutions and Appeals (OSPA) represents the state in all felony appellate proceedings challenging convictions obtained in the trial courts, and handles most state and federal post-conviction and habeas corpus proceedings. These post-trial procedures are constitutionally required; when such actions are filed by convicted criminals the state must respond. Without these functions, the efforts of criminal justice agencies to detect and punish crime through investigation, trial, and conviction would be nullified.

(B) OSPA prosecutes economic and other complex crimes. In addition to filing criminal charges and conducting criminal trials, this office also gives day-to-day advice to special "white collar" investigation units. These prosecution services protect private investors, small businesses, and government agencies that are the victims of fraud or other wrongdoing. OSPA also handles civil litigation challenging statutes related to criminal justice, such as sex offender registration, victims' rights, and physician-assisted suicide.

(C) OSPA prosecutes environmental crimes through a reimbursable services agreement with the Department of Environmental Conservation. These prosecution services protect the state's air and water quality by providing advice and assistance to state environmental investigators and by prosecuting appropriate criminal cases.

(D) OSPA prosecutes welfare cheaters through a reimbursable services agreement with the Department of Health and Social Services. These prosecution services protect the state's welfare system.

(E) OSPA prosecutes medical providers who cheat the Medicaid system, through a federal grant and matching state general funds. The unit can institute criminal prosecution for fraud or civil actions for overpayments. In addition, the unit is responsible for investigating and prosecuting abuse of patients in Medicaid-funded facilities.

(F) OSPA prosecutes selected fish and game cases, depending on the importance of the case or the legal issues involved. Funding is provided by the Fish and Game Fund.

(G) OSPA prosecutes criminal child support enforcement matters through a reimbursable services agreement from the Department of Revenue.

(H) OSPA provides services to the entire state with eight appellate attorney positions, two "white collar crime" prosecutors and one environmental crimes prosecutor, one welfare fraud prosecutor, one Medicaid provider fraud prosecutor, one fish and game prosecutor, and a half-time child support enforcement prosecutor.

Component Goals and Strategies

The primary goal of the Office of Special Prosecutions and Appeals (OSPA) is to uphold criminal convictions on appeal and on collateral attack. Additional goals of OSPA are to assure safe and healthy communities by prosecuting and convicting offenders in the many special units now under the supervision of OSPA: (1) complex criminal cases, with special emphasis on "white collar" crime, (2) environmental crimes, (3) child support enforcement, (4) welfare fraud, (5) Medicaid provider fraud, and (6) selected fish and game prosecutions.

Key Component Issues for FY2002 – 2003

Key Issues are included at the BRU level.

Major Component Accomplishments in 2001

Major accomplishments are reflected in the performance measures.

Statutory and Regulatory Authority

AS 44.23.020

Criminal Appeals/Special Litigation Component

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	1,919.3	2,129.6	2,375.1
72000 Travel	67.6	49.3	83.4
73000 Contractual	196.6	259.4	309.4
74000 Supplies	35.9	42.7	55.0
75000 Equipment	8.6	5.0	18.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	2,228.0	2,486.0	2,840.9
Funding Sources:			
1002 Federal Receipts	361.3	480.4	488.4
1003 General Fund Match	120.3	158.6	161.3
1004 General Fund Receipts	1,253.9	1,307.9	1,439.4
1007 Inter-Agency Receipts	357.8	412.1	622.6
1053 Investment Loss Trust Fund	9.0	0.0	0.0
1108 Statutory Designated Program Receipts	2.6	0.0	0.0
1134 Fish & Game Duplicated Expenditures	123.1	127.0	129.2
Funding Totals	2,228.0	2,486.0	2,840.9

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
Unrestricted Fund	68515	0.6	0.0	0.0	0.0	0.0
Unrestricted Total		0.6	0.0	0.0	0.0	0.0
Restricted Revenues						
Federal Receipts	51010	361.3	480.4	480.4	488.4	488.4
Interagency Receipts	51015	357.8	412.1	612.1	622.6	622.6
Fish and Game Fund	51045	123.1	127.0	127.0	129.2	129.2
Statutory Designated Program Receipts	51063	2.6	0.0	0.0	0.0	0.0
Investment Loss Trust Fund	51393	9.0	0.0	0.0	0.0	0.0
Restricted Total		853.8	1,019.5	1,219.5	1,240.2	1,240.2
Total Estimated Revenues		854.4	1,019.5	1,219.5	1,240.2	1,240.2

Criminal Appeals/Special Litigation Component
Proposed Changes in Levels of Service for FY2003

No changes were made in FY2002, and none are requested for FY2003.

Summary of Component Budget Changes
From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	1,466.5	480.4	539.1	2,486.0
Adjustments which will continue current level of service:				
-PCN 03-1250 w/ funding from Third Judicial Dist: Anch ADN# 0320113	0.0	0.0	200.0	200.0
-Adjust vacancy by fund source between line items and components ADN# 0320123	19.7	0.0	0.0	19.7
-Year 3 Labor Costs - Net Change from FY2002	33.3	6.3	11.8	51.4
-Adjust vacancy by fund source between line items and components	71.5	0.0	0.0	71.5
Proposed budget increases:				
-Legal Secretary Reclassification	9.7	1.7	0.9	12.3
FY2003 Governor	1,600.7	488.4	751.8	2,840.9

Criminal Appeals/Special Litigation Component

Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	28	29	Annual Salaries	1,857,279
Part-time	3	3	COLA	56,664
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	532,826
			Less 2.93% Vacancy Factor	(71,701)
			Lump Sum Premium Pay	0
Totals	31	32	Total Personal Services	2,375,068

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Administrative Clerk II	2	0	0	0	2
Assoc Attorney II	1	0	0	0	1
Attorney III	4	0	0	0	4
Attorney IV	6	0	0	0	6
Attorney V	7	0	0	0	7
Attorney VI	1	0	0	0	1
Internal Auditor IV	1	0	0	0	1
Investigator II	1	0	0	0	1
Investigator III	3	0	0	0	3
Law Office Assistant I	4	0	0	0	4
Law Office Assistant II	1	0	0	0	1
Paralegal II	1	0	0	0	1
Totals	32	0	0	0	32

Civil Division Budget Request Unit

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BRU Mission

The mission of the Civil Division is to protect the human, financial, and natural resources of the state.

BRU Services Provided

The Civil Division BRU supports the Civil Division of the Department of Law. The Civil Division serves the interests of Alaska's citizens by providing legal counsel to the executive branch in all civil actions. The division defends and prosecutes civil litigation to which the state is a party; handles legal matters for and provides legal advice to the governor, executive branch agencies, and -- upon request -- the legislative and judicial branches; reviews regulations prepared by executive agencies; drafts legislation for introduction by the governor; and reviews all legislation before it is acted upon by the governor.

Activities of the Civil Division help protect the financial and natural resources of the state, defend Alaskans' access to the state's land and natural resources, and ensure that the laws and regulations that govern businesses, individuals, and government agencies are constitutional. The division takes action to protect children from abuse and neglect, enforce child support obligations, guarantee that state programs are administered fairly and that money owed to the state is collected, defend the state's interests relative to the federal government, and defend the state from unreasonable demands for payment of costs of lawsuits, personnel actions, and personal injuries. It protects the state's financial resources by advising agencies on decisions that might lead to financial claims, defending against unreasonable claims, and facilitating reasonable settlements or other appropriate resolution of issues.

The Civil Division BRU includes components supporting the following sections: (1) the Deputy Attorney General's Office; (2) Collections and Support; (3) Commercial; (4) Environmental Law; (5) Fair Business Practices; (6) Governmental Affairs; (7) Human Services; (8) Legislation and Regulations; (9) Natural Resources; (10) Oil, Gas and Mining; (11) Special Litigation; (12) Transportation; and (13) Timekeeping and Support.

(1) The Deputy Attorney General's Office supports the Deputy Attorney General as she assists the Attorney General and the department in carrying out its statutorily prescribed functions. The Deputy Attorney General for the Civil Division serves as the chief operating officer for the division and is responsible for leading, managing, and coordinating the activities of the attorneys and paraprofessionals in each of the substantive sections of the four locations of the Civil Division.

(2) The Collections and Support section consists of two units: the collections unit and the child support unit. The section protects the state's financial resources by collecting outstanding civil and criminal debts, and protects Alaska's children by establishing paternity and ensuring compliance with child support orders. The collections unit collects unsecured debts owed to the state. The majority of these debts are criminal judgments, but the unit also collects various civil judgments and civil penalties. Effective January 1, 2002, the collections unit will begin collecting restitution on behalf of victims in criminal and juvenile delinquency proceedings. The child support enforcement unit represents the Child Support Enforcement Division (CSED) in court, provides legal support in matters relating to administrative child support enforcement actions, drafts legislation and regulations, and provides general legal advice to CSED.

(3) The Commercial section provides legal services on revenue and commercial matters; protects the integrity of the state's public finances through fair interpretation, implementation, enforcement, defense, or adoption of statutes and regulations governing state revenue, the permanent fund dividend, the employment security program, and lending programs; and protects public health and safety through fair interpretation, implementation, enforcement, defense, or adoption of statutes and regulations governing occupational licensing, alcoholic beverage control, banking, securities, and corporations. The section serves the Income and Excise Audit Division, Permanent Fund Dividend Division, Alaska Housing Finance Corporation, Alcoholic Beverage Control Board, Occupational Licensing Division, Investments Division, Banking, Securities and Corporations Division, Office of the Commissioner of Commerce, Employment Security Division, Alaska Commission on Postsecondary Education, Alaska Student Loan Corporation, and the Agricultural Revolving Loan Fund. The section also protects the student loan program by providing legal services and advice to the agencies that direct the program.

(4) The Environmental Law section provides legal representation to state agencies for the investigation, defense, and prosecution of claims regarding contaminated sites around the state as well as legal advice on environmental matters. It also provides legal representation to state agencies for the defense and prosecution of claims regarding the EXXON VALDEZ oil spill and the expenditure of restoration funds. It provides legal services to help recover the state's contribution to the Trans-Alaska Pipeline Liability Fund. The work of the Environmental Law section helps to protect the environment of the state, to ensure that the costs of contaminated site cleanup are borne by the responsible parties, to minimize the state's exposure to claims for damages relating to environmental problems, and to ensure that the costs of the available restoration funds from the EXXON VALDEZ settlement are expended in accordance with the law and for the maximum benefit of the Alaska environment. It serves Alaskans by helping to protect the environment and restore already-damaged sites and by making sure that those who are responsible for environmental damage are required to pay the costs of remediation. The component is also involved in prosecuting cruise lines that fouled Alaska's air and waters and advising DEC on implementation of Alaska's cruise ship oversight program.

(5) The Fair Business Practices section, which includes the consumer protection/antitrust unit, protects the public by enforcing consumer protection and antitrust laws and by providing legal services and advice to the agencies that monitor insurance companies and personnel, public utilities, and certified teachers. The section also protects the public by handling enforcement actions in occupational licensing cases. Agencies served by the section include the following: Division of Occupational Licensing, Division of Insurance, Regulatory Commission of Alaska, the Professional Teaching Practices Commission, and Postsecondary Education.

(6) The Governmental Affairs section provides legal assistance needed for governmental management, including budget, public finance, employment, labor relations, civil rights, procurement, retirement programs, Medicaid rate disputes, and investment of treasury and Permanent Fund Corporation funds. It provides legal assistance on problems associated with institutional relationships within state government, the interaction between state and local governments, and the conduct of elections. The section provides legal assistance to the departments of Administration, Community and Economic Development, the Offices of the Governor and Lieutenant Governor, the Office of Management and Budget, the Permanent Fund Corporation, AIDEA, the Alaska Public Offices Commission, the Human Rights Commission, the Division of Elections, the Department of Labor, and the Alaska Court System.

(7) The Human Services section provides legal advice and representation to the departments of Education and Early Development, Labor and Workforce Development, and Health and Social Services. It provides legal services and advice to these agencies regarding the state's education, health services, social services, juvenile justice, public assistance programs, workers' compensation, childcare licensing, and occupational safety and health programs. This section provides representation for the Department of Health and Social Services in all child abuse and neglect cases, juvenile delinquency proceedings, mental commitment proceedings, foster care licensing cases, and public assistance and public health matters, including Medicaid recipient/provider hearings and appeals.

(8) The Legislation and Regulations section drafts and edits legislation on behalf of the governor for introduction in the legislature, and provides legal review of regulations adopted by executive branch agencies for compliance with constitutional and statutory requirements.

(9) The Natural Resources section provides legal advice and representation to state departments, boards, and commissions that regulate Alaska's lands, waters, and renewable natural resources. It protects Alaskans' interests by ensuring that the state's natural resources are managed and allocated by state agencies in a manner that is consistent with the law, defending against legal challenges to actions taken by the state's natural resource agencies, and pursuing legal actions against persons who are illegally using, damaging, or destroying Alaska's lands, waters, or renewable natural resources. It advises state agencies on issues relating to mental health lands and Native Allotments and represents the state in legal actions involving those lands. The Natural Resources section supervisor also oversees the activities of the Statehood Defense BRU.

(10) The Oil, Gas, and Mining section is responsible for litigating oil, gas, and mining resource disputes involving the state. It protects Alaskans' interests by making sure that the state receives the royalty and tax revenues to which it is entitled for current and past production, defending against challenges to state oil and gas lease sale programs, and protecting the state's title to resource-rich lands. The Oil, Gas, and Mining section supervisors oversee the activities budgeted for in the Oil & Gas Litigation and Legal Services BRU.

(11) The Special Litigation section provides legal defense in tort litigation cases filed against the state, state agencies, and state employees, including personal injury, property damage, and civil rights suits brought under 42 U.S.C. §1983. The section also provides defense in contested workers' compensation claims against the state, and provides advice and

training to reduce the state's liability exposure. The section provides legal services to the Division of Risk Management and, through it, to all state agencies.

(12) The Transportation section provides legal advice to and representation of the Department of Transportation and Public Facilities. The section enhances the department's ability to efficiently provide the public infrastructure necessary for the safety and well-being of Alaskans by providing advice and representation on all aspects of the construction and operation of the state's public facilities, including building, highways, ferries, airports, harbors, communications facilities, and other public works.

(13) The Timekeeping and Support section, which is comprised of those cost elements of the Civil Division support pool that are division-wide, rather than section-specific, includes the costs of law office management (for the Juneau, Anchorage, and Fairbanks offices), case management, and division timekeeping and billing. The section provides day-to-day support to the legal staff by ensuring that resources necessary to perform their jobs are available. The section is responsible for maintaining work management and timekeeping records, providing accurate and timely billing to client agencies, and ensuring that office operations flow efficiently and unencumbered while state and department policies are followed and consistently applied.

BRU Goals and Strategies

- Provide effective legal advice to and representation of the state.
- Protect Alaska's children and youth by handling child abuse, neglect, and juvenile delinquency cases expeditiously.
- Ensure the state receives its correct share of oil and gas taxes and royalties; clarify and improve the rules governing taxpayers to reduce disputes and litigation.
- Resolve questions of state versus federal control and management of natural resources, lands, and waters.
- Increase collections of money owed the state by businesses and individuals for child support, fines, loans, and other unpaid obligations.
- Ensure that the department's legal review of regulations projects continues to be efficient, timely, and responsive to the needs of agencies and the public.

Key BRU Issues for FY2002 – 2003

CHILD PROTECTION

Child protection workloads continue to be of concern to the department. Statutory changes at the state and federal level have necessitated changes in how long children may remain in the child protection legal system, and when certain actions must occur, and they define parental responsibility more concretely. These changes move cases to conclusion faster to ensure that when reunification with the family is not in the child's best interest, the child can be made legally eligible for placement in a permanent home more quickly. The accelerated schedules severely impact attorney workloads. Maintenance of our existing resources for child protection is absolutely critical in order for us to effectively manage this important responsibility. In FY 2002, for example, we had to cut half of an attorney position in the Human Services component due to a reduction in the Balloon Project funding received by DHSS. This cut has had a direct impact on the Anchorage Human Services section, resulting in an increase in the average per attorney child abuse and neglect caseload. Another key issue for this component is the need for paraprofessional support to assist our Fairbanks Human Services section.

VICTIM RESTITUTION

A key issue for the Collections and Support section in FY 2002 – 2003 is the adoption and implementation of new regulations and procedures for the collection of restitution awarded to victims in criminal and juvenile delinquency proceedings in Alaska. Effective January 1, 2002, the collections unit will begin collecting restitution on behalf of victims in criminal and juvenile delinquency proceedings.

CONSUMER PROTECTION AND ANTITRUST ENFORCEMENT

Alaska is a target state for many types of consumer fraud, among them telemarketing, prizes and sweepstakes, deceptive home business opportunity sales, automobile sales and service, and a variety of retail sales and services. Under the terms of the Alaska Consumer Protection Act, the Attorney General's office is authorized to investigate and bring enforcement action against businesses that engage in unfair or deceptive trade practices. Given the current resources and the large areas of enforcement the office is responsible for, we are still forced to turn away many legitimate cases of consumer fraud. Enforcement activities are directed to situations affecting a large number of consumers or involving large dollar amounts, and often there are not enough resources for those cases. However, we have been able to increase enforcement activity because of additional statutory designated program receipt resources appropriated to the civil division in FY01. Using existing resources, the division refined and expanded its consumer protection web page that is assisting consumers in identifying and protecting against consumer fraud. The division will continue to take appropriate steps to ensure receipt of SDPR on a regular basis in FY03 to help fund the consumer protection and antitrust enforcement program.

Major BRU Accomplishments in 2001

- **Child Protection:** The Civil Division continued its participation in the interagency effort on the Balloon Project to reduce the backlog of children in foster care longer than new state and federal laws permit. As of September 15, 2001, 89 percent of the 662 children in foster care the longest were in a permanent placement, and in another 8 percent of the cases, the legal work to free these children for adoption is complete. As these oldest cases have been successfully resolved, the next oldest group of cases has been added. The project now has five phases including more than 1,600 children, of which 72 percent now have permanent homes, and another 14 percent are legally free for adoption.
- **Collections:** The division collected over \$3.9 million in FY 2001 in criminal fines, cost of appointed counsel, cost of imprisonment, and civil judgments owed the state. This was a record amount, surpassing the prior year's collections by more than \$1 million.
- **Governmental Affairs:** Successfully concluded a mediation with the Bank of America in which the bank agreed to pay the state and affected agencies and municipalities a total of \$35,600,000 in compensation for mismanagement of public funds held in trust. This recovery will be shared by the state treasury and the affected public corporations and municipalities.
- **Environmental cleanup:** Recovered almost \$2 million for state costs and penalties related to contaminated sites, obtained cleanup agreements with polluters with an estimated value of over \$500,000, and recovered approximately \$3,886,000 for EXXON VALDEZ oil spill related matters.
- **Alaska Native Law Developments:** Continued efforts to develop the law as it relates to Alaska Natives and the relationship between Alaska Natives and the state, in particular, the law concerning tribal recognition and the scope of tribal jurisdiction and authority following the Venetie decision which held that ANCSA lands are not Indian country.
- **Oil and Gas:** Continued our work on litigation involving oil and gas, bringing into the state treasury approximately \$80.5 million in back taxes and royalties owed by oil and gas companies. We also successfully defended at hearing the Department of Revenue's property tax assessment of the Trans Alaska Pipeline of approximately \$3 billion.
- **Consumer Protection and Antitrust Enforcement:** We successfully resolved a number of significant consumer protection cases: (1) Negotiated settlements in three auto dealers cases involving multiple violations of Alaska's Unfair and Deceptive Trade Practices Act, the federal Truth in Lending Act, and the federal Magnuson-Moss Warranty Act. These settlements will involve payment of restitution to consumers and substantial civil penalties to the state in excess of \$35,000; (2) Obtained consent judgments in settlement of three multi-state consumer protection sweepstakes cases involving Publishers Clearing House, Time, Inc., and Readers Digest. The settlements will result in recovery of \$225,000 for the state and thousands of dollars for restitution to consumers including consumers in Alaska; (3) Obtained settlements in multi-state antitrust case involving Bausch & Lomb and Johnson & Johnson, manufacturers of contact lens. The settlements will result in recovery to the state of approximately \$20,000 to \$40,000 and in restitution to consumers who have purchased replacement contact lenses

since January 1, 1988.

- Regulation review: Conducted legal review of over 2,000 pages of regulations during FY 2001; we also completed and published the 2000 edition of the Drafting Manual for Administrative Regulations and provided extensive training for state employees on regulation drafting.
- Roadless litigation: Filed a major lawsuit in federal court challenging the Forest Service's Roadless Rule.
- Submerged Lands: Began hearings before the Special Master appointed by the United States Supreme Court in the state's original action in the Supreme Court to quiet title to all lands underlying marine waters in Southeast Alaska, including those within Glacier Bay National Park and the Tongass National Forest.

Key Performance Measures for FY2003

Measure:

The legislature intends to measure the success of the division in achieving its mission by considering the monetary value of disputed oil and gas taxes received by the state, whether obtained through court judgment or settlement;
Sec 96 (b) (1) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

FY 1999 -	\$62,032,574
FY 2000 -	\$433,079,583
FY 2001 -	\$38,470,447

Measure:

Monetary value of disputed oil and gas royalties received, whether obtained through court judgment or settlement;
Sec 96 (b) (2) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

FY 1999 -	\$1,500,000
FY 2000 -	\$14,500,000
FY 2001 -	\$42,018,249

Background and Strategies:

These amounts shown in Sec. 96 (b) (1) and (2), will vary from year to year depending on a number of factors including the length of audit cycles, which sometimes cover more than one year, and the number and value of disputed payments.

Measure:

Monetary value of the criminal and civil judgments collected, including indigent defense costs, costs of incarceration for offenders convicted of driving while intoxicated, and other fines and costs owed to the state and the number of civil and criminal judgments satisfied in full;
Sec 96 (b) (3) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

	Amount Collected	Judgments Satisfied
FY 1997	\$2,278,500	Not available
FY 1998	\$2,469,900	8,569
FY 1999	\$3,111,000	10,125
FY 2000	\$2,769,600	8,805
FY 2001	\$3,993,590	15,981

In the FY 2002 Governor's budget, it was anticipated that FY 2001 collections would be unusually high. As predicted, one of the reasons for the high dollar amount and number of collections related to catching up on a backlog that had built up due to staffing vacancy. Additionally, implementation of the unit's new EXCEL database allowed the capturing of two years of minor offense fines and related court and collection costs that had previously been uncollectable because there was no way to track and match them for the PFD attachment. The unit oversees 81,565 unpaid judgments at this time.

Background and Strategies:

The function of the collections unit is to collect money owed to the state in criminal, civil, and some administrative cases. The criminal cases include the cost of imprisonment in driving while intoxicated or refusal cases, cost of appointed counsel in cases where a public defender or public advocate appointment is made to represent a defendant, and outstanding fines and bond forfeitures. While the courts can collect on fines and bond forfeitures (these cases are only transferred to the collections unit if they are overdue to the court) the cost of appointed counsel cases are automatically transferred to the unit. Civil case collections must have a judgment in excess of \$250 entered with the court and the money collected must be free for deposit into the general fund.

There are a number of factors that affect the amount collected. The most important factor is the amount and number of judgments transferred by the courts. If a judgment is not transferred, it is unlikely the unit will receive voluntary payments and cannot seize money from a permanent fund dividend. The second factor is the number and dollar value of voluntary payments made by defendants. The only recourse the department has for nonpayment is the potential to seize the obligor's permanent fund dividend. Additional factors include the actual amount of the permanent fund dividend, the number of defendants applying for dividends; the number of defendants determined to be eligible for dividends; and other agencies or cases with statutory priority to seize dividends before our seizures are possible.

Measure:

Number of new cases files opened, categorized by type of case, for each year for the past 10 years;
Sec 96 (b) (4) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

File Type	FY 1990	FY 1991	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000
Oral Advice/Aid to Agency General Litigation	1,447	1,467	1,941	1,826	1,871	1,718	1,842	1,548	1,122	948	899
Executions	1,519	1,682	1,637	1,638	1,851	1,851	1,559	1,610	1,770	1,523	1,360
Torts	62	55	57	62	61	93	98	63	68	40	41
Child Support Proceedings	135	123	103	127	128	147	130	134	132	127	135
Children's Proceedings	767	695	833	1,142	1,456	2,222	1,650	1,848	918	998	1,184
Legislative Drafting	1,105	1,294	1,185	1,130	1,154	1,211	1,007	1,063	1,405	1,434	1,350
Legislative Review	65	110	87	79	51	55	79	111	61	74	86
Regulations Review	215	107	155	86	151	115	166	120	148	103	144
	131	136	125	170	173	146	134	139	168	145	171
	5,446	5,669	6,123	6,260	6,896	7,558	6,665	6,636	5,792	5,392	5,370

Background and Strategies:

Child Support Enforcement file openings decreased when a concerted effort was made to resolve concerns using the administrative hearing process. In recent years, the number of cases opened by Department of Law has once again increased, as a reflection of the growth in this area of state government.

Beginning in FY 1999, Department of Law changed the case opening procedure with respect to mental commitments. Prior to FY 1999, a file was opened for each new respondent in a mental commitment case. Because of few of the cases go to a hearing, in FY 1999, a new file was opened only if the case went to a hearing. This change would have

affected General Litigation files.

Some additional factors contributing to changes in file numbers are due to reusing aid-to-agency file numbers rather than opening new files each year, and the possibility that the tendency toward mediation rather than litigation in recent years may have an effect. The count on other types of files has remained relatively steady over past years. The growth in the child protection category would not be detected by an analysis of this type, because those attorneys often use one generic file type in each office location. This reduces the administrative burden of opening many hundreds of new files each year on attorneys who are whose caseloads are higher than the benchmarks suggest.

Measure:

Number of new cases opened relating to protecting children in the state against abuse and neglect;
Sec 96 (b) (5) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

In FY 2001, 568 child protection cases representing 999 Alaskan children were opened statewide.

Background and Strategies:

This represents a 13.5 percent decrease from FY 2000, and a 16.2 percent decrease from FY 1999. While statewide statistics indicate a decrease overall, this was largely felt in southcentral Alaska. Northern Alaska had a much smaller decrease, and southeast actually had more child protection cases opened in FY2001 than in the prior year.

Measure:

Percentage of child abuse and neglect cases completed in the permanency placement backlog;
Sec 96 (b) (6) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

(1) 661 children were identified for the Balloon Project as having been in out-of-home care 15 of the prior 22 months as of November 19, 1997. As of 9/15/01, 590 of these children were in permanent placements, and another 53 were legally free for adoption, completing the Department of Law's role in their placement. These children represent 98 percent of the original cases. New phases (Phases II -V) involving additional children in out-of-home care have been gradually added to the project. The five phases include more than 1,600 children, and all who were in state custody more than 24 months on April 2, 2001. As of 9/15/01, 1,167 of these children were in a permanent placement, and another 224 are legally free for adoption. These children represent 86 percent of the total project.

Background and Strategies:

See Background and Strategies discussion for Sec. 96 (b)(7).

Measure:

Percentage of other child abuse and neglect cases that are resolved within the statutory deadline of no more than 21 months of out-of-home placement;
Sec 96 (b) (7) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

(2) New statutory deadlines for legal action in child abuse and neglect cases became effective on September 14, 1998; thus the department looked at 164 children's cases opened in October and November of that year as the benchmark. Of 164, 91 percent had the required legal action taken in their cases within 21 months, and in 2 percent, the required legal action took between 21 and 23 months to complete. Seven percent are still pending. This year the department looked at 116 children's cases opened in December 1998 and January 1999. Of those cases, 83 percent had the required legal action taken within 21 months of the child's entry into foster care. In 13 percent of the cases, the required legal action took more than 21 months, and 4 percent of the cases are still pending.

The success in meeting statutory deadlines is largely driven by Law's attorney workload. According to the American Bar Association, Center for Children and the Law, a reasonable caseload for child protection attorneys is between 40 and 50 active cases. Caseload statistical data has been developed over the course of the last four years. The following average statewide child protection caseloads of Law's Human Services section are "snapshots in time" and reflect that the success of our efforts in permanency placement for Alaskan children is largely driven by staff levels that result in much more reasonable caseloads per attorney.

October 1, 1997	95.2
December 9, 1998	91.0
September 2, 1999	70.0
September 25, 2000	57.6
October 1, 2001	69.3

Background and Strategies:

With the passage of Ch. 99, SLA 98, the new state child protection law and the new federal Adoption and Safe Families Act, important changes were made as to how long children may remain in the child protection legal system, and when certain actions must occur. These new statutory changes at the state and federal level more concretely define parental responsibility and the changes move cases to conclusion faster to ensure that when reunification with the family is not in the child's best interest, the child can be made legally eligible for placement in a permanent home more quickly. The large number of cases placed on the accelerated schedules when the legislation became effective severely impacted attorney workloads.

The legislation defines the timelines for permanency hearings and termination of parental rights. As previously discussed, in order to achieve those timelines, and in order to eliminate the permanency placement backlog and provide the assistance outlined above, the per attorney caseload must be manageable. Maintenance of our existing resources for child protection is necessary in order for us to effectively manage this important responsibility. In FY 2002, for example, we had to cut half of an attorney position in the Human Services component due to a reduction in the Balloon Project funding received by DHSS. This cut has had a direct impact on the Anchorage Human Services section, resulting in an increase in the average per attorney child abuse and neglect caseload.

Measure:

Number of child support enforcement cases completed;
Sec 96 (b) (8) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

Fiscal Year	Number of Closed Files
FY 1999	688
FY 2000	1,425
FY 2001	1,328

The FY 2000 increase of more than 200% stems from two factors: first, beginning in February 1998, CSED migrated to a new computer system and the ensuing year was a transition period that resulted in far fewer files transferred to Law's child support unit; second, an additional attorney was added to the unit in November of 1999. The end of the computer system transition period at CSED and the attorney added during FY 2000 resulted in a renewed focus on processing these cases.

Background and Strategies:

The child support unit represents the Child Support Enforcement Division (CSED) in court, including paternity establishment and disestablishment, modification of child support orders, employer non-compliance actions, criminal non-support prosecutions, licensing appeals, and miscellaneous other activities related to enforcement of child support orders. In addition, the unit provides legal support in matters relating to administrative child support enforcement actions, drafts legislation and regulations, and provides general legal advice to CSED. A reimbursable services agreement from CSED funds this work in the Department of Law.

The downturn in the number of cases completed in FY 2001 is an indication of the changing nature of CSED cases. Up to the time of the implementation of welfare reform, the bulk of the workload for this unit involved custodial parents and obligors who were on public assistance. Dollars related to these disputes were small, oppositions were rarely filed, very few cases went to hearing so it was possible to close quite a large number of cases quickly. Since welfare reform, there has been a dramatic drop in the number of custodial parents receiving public assistance - which was, after all, one of the intentions of welfare reform. However, as a result dollars in dispute tend to be more significant, the

cases are more complicated and frequently oppositions are filed. Before welfare reform, just 10% of the cases went to a hearing, now about 50% do.

The unit is finding that specializing provides some relief. Some paraprofessionals and attorneys just do paternity cases while others handle bankruptcies or appeals. The Governor's FY 2003 budget includes an increment for CSED to pay for the 8 attorneys positions designated to perform this work. Currently, in FY 2002, one of those positions is being held vacant because of a funding shortfall. However, full funding for all positions may not result in additional case closures in FY 2003. At this time, we have been unable to develop a strategy to remarkably increase resolving cases short of adding new staff.

Measure:

Number of collections of civil and criminal judgments overseen by the collections unit.
Sec 96 (b) (9) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

FY 2000 - 76,000 approximately

FY 2001 - 81,565

Civil Division
BRU Financial Summary by Component

All dollars in thousands

	FY2001 Actuals				FY2002 Authorized				FY2003 Governor			
	General Funds	Federal Funds	Other Funds	Total Funds	General Funds	Federal Funds	Other Funds	Total Funds	General Funds	Federal Funds	Other Funds	Total Funds
<u>Formula</u>												
<u>Expenditures</u>												
None.												
<u>Non-Formula</u>												
<u>Expenditures</u>												
Dep. Attny General's Office	1,478.9	0.0	44.8	1,523.7	206.3	0.0	0.0	206.3	200.2	0.0	0.0	200.2
Collections and Support	341.7	0.0	1,373.3	1,715.0	519.9	0.0	1,342.3	1,862.2	647.6	0.0	1,374.5	2,022.1
Commercial Section	307.7	0.0	1,396.3	1,704.0	275.2	0.0	1,575.5	1,850.7	440.8	0.0	1,686.9	2,127.7
Environmental Law	549.6	0.0	640.9	1,190.5	607.8	0.0	627.6	1,235.4	603.2	0.0	641.3	1,244.5
Fair Business Practices	413.5	0.0	1,069.0	1,482.5	483.8	0.0	1,149.3	1,633.1	475.7	0.0	1,146.0	1,621.7
Governmental Affairs	1,100.7	0.0	2,638.6	3,739.3	1,461.7	0.0	1,656.1	3,117.8	1,037.6	0.0	2,518.2	3,555.8
Human Services	2,868.8	0.0	1,427.7	4,296.5	2,937.3	0.0	959.7	3,897.0	3,298.5	0.0	1,004.1	4,302.6
Legislation/Reg ulations	395.6	0.0	132.2	527.8	375.2	0.0	127.2	502.4	385.1	0.0	130.4	515.5
Natural Resources	929.6	0.0	175.7	1,105.3	960.4	0.0	307.6	1,268.0	995.5	0.0	328.7	1,324.2
Oil, Gas and Mining	0.0	0.0	2,684.8	2,684.8	0.0	0.0	2,867.9	2,867.9	0.0	0.0	2,919.1	2,919.1
Special Litigation	66.4	0.0	2,251.4	2,317.8	7.0	0.0	2,354.3	2,361.3	2.7	0.0	2,418.5	2,421.2
Transportation Section	0.0	0.0	2,026.4	2,026.4	0.0	0.0	2,065.8	2,065.8	1.6	0.0	2,142.2	2,143.8
Timekeeping and Support	0.0	0.0	542.7	542.7	15.9	0.0	719.2	735.1	15.9	0.0	753.3	769.2
Totals	8,452.5	0.0	16,403.8	24,856.3	7,850.5	0.0	15,752.5	23,603.0	8,104.4	0.0	17,063.2	25,167.6

Civil Division**Proposed Changes in Levels of Service for FY2003**

\$98,700 in general funds is requested to support the work of the Fairbanks Human Services section in child abuse and juvenile delinquency cases. The section has no paraprofessional support; the heavy caseload of the 4 attorneys in the office and the broad geographical coverage of the office (including Barrow) demand this support. This is a cost-effective way to enable staff attorneys to more effectively manage their caseloads and deadlines.

\$106,500 in general funds is requested for the Collections & Support component to enable the division to fully implement the Victim Restitution project.

\$148,300 in general funds is requested for an attorney position in the Anchorage Human Services section. This increment fully funds the therapeutic court's fiscal note for the Civil Division that accompanied the legislation in 2001. The addition of a superior court judge in Anchorage for the therapeutic court has impacted the ability of the attorneys in the Human Services section to cover on-going court proceedings and cases, necessitating the need for another position in the section.

\$70,300 in interagency receipts is requested to fund a half-time attorney position to do banking and securities work in the Commercial section in Juneau.

\$140,300 in interagency receipts is requested to fund an attorney position in the Juneau Governmental Affairs section to handle the increasing litigation and legal service caseload for the Division of Retirement & Benefits.

\$120,000 in general funds is requested by the Commercial Component to continue funding outside counsel in Washington D.C. to represent Alaska by responding to telecommunications issues raised by or before the Federal Communications Commission and the Congress where Alaska is impacted.

The Department of Law implemented a reclassification of its legal support positions in the final pay period of FY 2001. The study was undertaken for a number of reasons: primarily because recruitment of legal secretaries was becoming increasingly difficult – applicant pools were practically nonexistent in some locations – and retention was increasingly problematic – 46% of legal secretary positions turned over in FY 2000; additionally the class specifications for these positions had last been reviewed in 1969, long before the technology explosion; finally, the State had undertaken a study of the Secretary I&II positions in 1998 and collapsed them into the upper range of 11 – while Legal Secretary I's remained at range 10 (this latter set of circumstances resulted in a union grievance against the state). The Legal Secretary study commenced in February of 2000. The department appointed a temporary classification specialist to undertake the technical work. Each legal secretary position and office manager position in the department was separately reviewed. The study was completed in the late spring of FY 2001 and approved by the Division of Personnel in June. The reclassification called for higher salary ranges for nearly all positions involved in the study. The timing of the completion and approval of the study did not allow for inclusion in the FY 2002 budget request; however the department did make known the likely effects anticipated by the study to all affected parties, including the legislature. All Criminal Division components were affected by the implementation of this study, and as a result, this budget request includes an increment for this purpose in each component.

Civil Division
Summary of BRU Budget Changes by Component
From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	7,850.5	0.0	15,752.5	23,603.0
Adjustments which will continue current level of service:				
-Dep. Attny General's Office	-6.1	0.0	0.0	-6.1
-Collections and Support	8.5	0.0	23.8	32.3
-Commercial Section	38.8	0.0	38.1	76.9
-Environmental Law	-7.8	0.0	10.5	2.7
-Fair Business Practices	-11.9	0.0	-4.9	-16.8
-Governmental Affairs	-428.1	0.0	10.1	-418.0
-Human Services	88.7	0.0	25.6	114.3
-Legislation/Regulations	7.5	0.0	3.2	10.7
-Natural Resources	22.4	0.0	13.9	36.3
-Oil, Gas and Mining	0.0	0.0	40.9	40.9
-Special Litigation	-4.3	0.0	43.2	38.9
-Transportation Section	1.6	0.0	60.8	62.4
-Timekeeping and Support	0.0	0.0	14.8	14.8
Proposed budget decreases:				
-Fair Business Practices	0.0	0.0	-6.5	-6.5
Proposed budget increases:				
-Collections and Support	119.2	0.0	8.4	127.6
-Commercial Section	126.8	0.0	73.3	200.1
-Environmental Law	3.2	0.0	3.2	6.4
-Fair Business Practices	3.8	0.0	8.1	11.9
-Governmental Affairs	4.0	0.0	852.0	856.0
-Human Services	272.5	0.0	18.8	291.3
-Legislation/Regulations	2.4	0.0	0.0	2.4
-Natural Resources	12.7	0.0	7.2	19.9
-Oil, Gas and Mining	0.0	0.0	10.3	10.3
-Special Litigation	0.0	0.0	21.0	21.0
-Transportation Section	0.0	0.0	15.6	15.6
-Timekeeping and Support	0.0	0.0	19.3	19.3
FY2003 Governor	8,104.4	0.0	17,063.2	25,167.6

Component: Deputy Attorney General's Office

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Component Mission

Mission statement for the Deputy Attorney General is included at the department level.

Component Services Provided

The Deputy Attorney General for the Civil Division serves as the chief operating officer for the division. In this role, the deputy is responsible for leading, managing, and coordinating the activities of the attorneys and paraprofessionals in each of the substantive sections of the four locations of the Civil Division (Juneau, Anchorage, Fairbanks, and Bethel). The deputy works closely with the attorney managers/supervisors on issues and cases that require input or direction from the Attorney General or other policy-level officers. This component supports the deputy as she assists the Attorney General and the department in carrying out its statutorily prescribed functions.

The deputy heads up the management team for the division, and in that role works closely with the office chiefs/supervisors and Administrative Services to manage a wide variety of administrative functions. The deputy is responsible for working with Administrative Services to prepare the annual budget for the division and present and defend the budget before the legislature. The deputy is also responsible for making and implementing decisions regarding the division's budget and staffing throughout the fiscal year.

The deputy also serves as the Indian law coordinator for the Civil Division. In this capacity, the deputy is responsible for knowing the status of cases and matters implicating Indian law issues ongoing or anticipated throughout the division. She is responsible for coordinating with the Criminal Division Deputy on Indian law issues impacting the Criminal Division or which impact both divisions. The deputy is responsible for ensuring consistency in approach in these matters and for informing staff of the issues and providing direction as appropriate.

Component Goals and Strategies

Manage and supervise the functions of the Civil Division offices in Juneau, Anchorage, Fairbanks, and Bethel.

Oversee and coordinate the activities of all the substantive law sections of the Civil Division to maximize productivity, maintain adequate resources for pursuing cases, ensure the highest quality possible in the representation and advice to state agencies, and maintain consistency in approaches, policy issues, settlements, and appellate practice.

Work with the Attorney General and the Administrative Services Division on the preparation of the budget for the Civil Division, and present and defend the division's budget to the legislature.

Oversee and coordinate the activities of the Department of Law in the area of Indian law.

Ensure that the legal advice and representation provided to state agencies by the Civil Division are of the highest quality possible and provided in a cost-effective manner.

Ensure that the Civil Division is adequately funded and staffed to carry out its statutorily prescribed functions.

Key Component Issues for FY2002 – 2003

See Key BRU issues for FY 2002 - 2003 for the Civil Division regarding child protection, victim restitution, and consumer protection and antitrust enforcement.

Major Component Accomplishments in 2001

- See Major BRU Accomplishments for Civil Division for FY 2001.
- Continued discussions, as part of the State-Tribal Relations Team, with Alaska's federally recognized tribes to define the nature of a government-to-government relationship between the state and the tribes. One outcome of this project, an Administrative Order acknowledging the federally recognized tribes in Alaska, was issued in September 2001. Another, the Millennium Agreement, was signed by the state and the tribes in April 2001. It establishes the framework within which the state and the signatory tribes will develop a government-to-government relationship.

Statutory and Regulatory Authority

AS 44.23.020

FY2001 Actuals total includes payment of judgments and claims.

Deputy Attorney General's Office

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	166.8	167.0	170.6
72000 Travel	12.7	8.0	8.0
73000 Contractual	103.2	27.7	18.0
74000 Supplies	2.7	3.6	3.6
75000 Equipment	4.1	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	1,234.2	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	1,523.7	206.3	200.2
Funding Sources:			
1004 General Fund Receipts	1,478.9	206.3	200.2
1053 Investment Loss Trust Fund	1.1	0.0	0.0
1066 Public School Fund	43.3	0.0	0.0
1108 Statutory Designated Program Receipts	0.4	0.0	0.0
Funding Totals	1,523.7	206.3	200.2

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
Unrestricted Fund	68515	20.0	0.0	0.0	0.0	0.0
Unrestricted Total		20.0	0.0	0.0	0.0	0.0
Restricted Revenues						
Statutory Designated Program Receipts	51063	0.4	0.0	0.0	0.0	0.0
Public School Fund	51225	43.3	0.0	0.0	0.0	0.0
Investment Loss Trust Fund	51393	1.1	0.0	0.0	0.0	0.0
Restricted Total		44.8	0.0	0.0	0.0	0.0
Total Estimated Revenues		64.8	0.0	0.0	0.0	0.0

Deputy Attorney General's Office
Proposed Changes in Levels of Service for FY2003

None.

Summary of Component Budget Changes
From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	206.3	0.0	0.0	206.3
Adjustments which will continue current level of service:				
-Year 3 Labor Costs - Net Change from FY2002	3.9	0.0	0.0	3.9
-Adjust vacancy factor by fund source between line items and components	-10.0	0.0	0.0	-10.0
FY2003 Governor	200.2	0.0	0.0	200.2

Deputy Attorney General's Office

Personal Services Information

Authorized Positions			Personal Services Costs	
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	2	2	Annual Salaries	130,933
Part-time	0	0	COLA	3,916
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	35,723
			Less 0.00% Vacancy Factor	(0)
			Lump Sum Premium Pay	0
Totals	2	2	Total Personal Services	170,572

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Administrative Assistant	0	0	1	0	1
Dep Attorney General	0	0	1	0	1
Totals	0	0	2	0	2

Component: Collections and Support

Contact: Diane Wendlandt, Assistant Attorney General

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Component Mission

The mission statement appears at the BRU level.

Component Services Provided

The Collections and Support section consists of two units: the collections unit and the child support unit. The collections unit collects unsecured debts owed to the state. The majority of these debts are criminal judgments (fines, judgments for the cost of appointed counsel, judgments for the cost of incarceration on DWI charges, and court and collection costs in minor offense cases). In addition, the collections unit collects various civil judgments, including attorney fee awards, and civil penalties entered by agencies such as OSHA and APOC. Effective January 1, 2002, the collections unit will begin collecting restitution on behalf of victims in criminal and juvenile delinquency proceedings.

The child support unit represents the Child Support Enforcement Division (CSED) in court, including paternity establishment and disestablishment proceedings, establishment and modification of child support orders, employer non-compliance actions, criminal non-support prosecutions, licensing appeals, and miscellaneous other activities related to enforcement of child support orders. In addition, the unit provides legal support in matters relating to administrative child support enforcement actions, drafts legislation and regulations, and provides general legal advice to CSED.

Component Goals and Strategies

1. Assure that child support orders accurately reflect the non-custodial parent's ability to pay and are in compliance with Alaska's child support guidelines.
2. Aid in the collection of child support by assuring that employers within Alaska comply with administrative withholding orders.
3. Assure that paternity is established for Alaska children born out of wedlock.
4. Protect the interest of custodial parents, children, and the State of Alaska, when a non-custodial parent files for bankruptcy.
5. Collect money owed the state on civil judgments and penalties, criminal fines, public defender costs, and costs of incarceration where allowed by law.
6. Initiate paternity actions and actions to recover child support payments on behalf of children and their custodial parents, and on behalf of the state, where children receive welfare benefits.
7. Enforce compliance by employers with wage-withholding requirements.
8. Improve the quality of the child support enforcement services provided by CSED and the AGO to parents in Alaska and elsewhere.
9. Collect restitution awarded to victims in criminal and juvenile delinquency proceedings in Alaska.

Key Component Issues for FY2002 – 2003

Upgrading the Oracle database to assure more efficient collection of new judgment types and to allow more accurate and complete reporting of collection data.

Adopting and implementing new regulations and procedures for the collection of restitution awarded to victims in criminal and juvenile delinquency proceedings in Alaska.

Assisting CSED in addressing legal issues relating to implementation of the National Medical Support Notice and related federal requirements.

Assisting CSED in drafting and adopting the agency's third phase of child support regulations.

Major Component Accomplishments in 2001

- The collections unit of the Collections & Support Section collected over \$3.9 million in FY 2001. These collections included criminal fines, cost of appointed counsel, cost of imprisonment, and civil judgments owed to the State of Alaska. This was a record amount for the collections unit, surpassing the prior year's collections by more than \$1 million. The increase was due primarily to the increased experience and efficiency of the staff, which allowed the unit to bring all judgment data entry current, and new computer programming, which allowed collection of fines and related court and collection costs in minor offense cases.
- The section resolved and closed more than 1,300 child support files in FY2001. These files included paternity establishment and disestablishment cases, appeals, bankruptcies, motions for the establishment and modification of child support orders, license suspensions, employer noncompliance claims, and miscellaneous enforcement actions and claims against the State of Alaska.
- The section was instrumental in establishing paternity through court proceedings for over 140 children in Alaska and elsewhere. In addition, the section assisted in the exclusion of putative fathers through genetic testing and dismissal of court proceedings in an additional 25 cases. This represents a decrease from the number of paternity cases resolved in FY 2000. Over the past several years, the number of paternity cases has declined as more cases are handled through administrative, rather than judicial, paternity proceedings. However, the section is still actively involved in paternity issues and frequently assists CSED in administrative paternity actions by filing court actions for civil contempt to enforce CSED's administrative genetic testing orders.
- The section completed approximately 450 modifications of Alaska child support orders through court proceedings, thus assuring that these support orders comply with the child support guidelines set forth in Alaska Civil Rule 90.3. This assures that the children receive the proper amount of support to which they are entitled under Alaska law.
- The assistant attorney general assigned to this section by the Criminal Division's Office of Special Prosecutions and Appeals obtained convictions of five individuals for criminal nonsupport and related criminal conduct. Three of these individuals were incarcerated for varying periods of time. Eighteen persons are currently on probation and are being monitored for compliance with their support orders. Petitions to revoke probation were filed against five individuals who failed to make payments as required by the terms of their probation. As a direct result of these prosecutions and monitoring of probation, the delinquent obligors in question paid more than \$78,000 toward their child support obligations in FY 2001, with ongoing monthly payments continuing under court orders.
- The section assisted CSED in its successful effort to obtain critical welfare reform legislation. Members of the section provided legal research on state and federal requirements for the child support program, prepared memoranda addressing specific questions from legislators, organized a substantial amount of information into charts and other materials for use by CSED and legislators, and testified on the various bills relating to welfare reform issues.
- The section assisted CSED in drafting new policies and procedures which (1) provide an administrative process by which a legally presumed father may challenge paternity through genetic testing, and (2) allow CSED to seek

support from the man identified as the child's biological father even though another man is named as the legal father on the child's birth certificate. Implementation of these new policies and procedures have significantly reduced the number of complaints against CSED by obligors who believe they are not the biological father of the children whom they were ordered to support. In addition, the new policies and procedures enable CSED to more quickly identify and obtain support from the child's biological father in cases where the parties agree or provide evidence that the legally presumed father is not the child's biological father.

- The section obtained decisions in several supreme court cases. Among other things, these decisions (1) reaffirmed the court's earlier decision in *Turinsky v. Long*, 910 P.2d 590 (Alaska 1996), which requires that support be based on the custody ordered, not on the custody actually exercised (*Bennett v. Bennett*, 6 P.3d 724 (Alaska 2000)); (2) clarified that the needs of subsequent stepchildren may be raised as a defense to a motion to increase an obligor's child support obligation for prior children (*Schuyler v. Briner*, 13 P.3d 738 (Alaska 2000)); (3) held that an obligor may appeal CSED's denial of a petition for administrative review of a judicial support order (*Allen v. State, Dep't of Revenue, Child Support Enforcement Div.*, 15 P.3d 743 (Alaska 2000)); and (4) denied an obligor's request to retroactively modify his support obligation (*Wright v. Wright*, 22 P.3d 875 (Alaska 2000)).
- The section participated in the continuing development of a body of case law relating to the presumption of paternity, which arises when a man voluntarily acknowledges paternity, or was married to the child's mother. *State, Dep't of Revenue, Child Support Enforcement Div. v. Button*, 7 P.3d 74 (Alaska 2000); *State, Dep't of Revenue, Child Support Enforcement Div. v. Maxwell*, 6 P.3d 733 (Alaska 2000); *Atcherian v. State, Dep't of Revenue, Child Support Enforcement Div.*, 14 P.3d 970 (Alaska 2000). In each of these cases, the Court determined that a legally presumed father (based either on the father's marriage to the mother or the father's voluntary acknowledgment of paternity) had the right to challenge paternity in the context of an administrative action to establish a support order against him. These decisions led to the development of the policies and procedures discussed in paragraph 7, above.

Statutory and Regulatory Authority

AS 25.27.050, AS 44.23.020

Collections and Support

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	1,324.4	1,383.0	1,491.5
72000 Travel	11.7	23.6	23.6
73000 Contractual	327.1	413.3	464.5
74000 Supplies	25.2	35.8	36.0
75000 Equipment	26.6	6.5	6.5
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	1,715.0	1,862.2	2,022.1
Funding Sources:			
1004 General Fund Receipts	0.0	228.2	342.0
1005 General Fund/Program Receipts	341.7	291.7	305.6
1007 Inter-Agency Receipts	1,366.4	1,342.3	1,374.5
1053 Investment Loss Trust Fund	6.9	0.0	0.0
Funding Totals	1,715.0	1,862.2	2,022.1

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
Unrestricted Fund	68515	2.6	0.0	0.0	0.0	0.0
Unrestricted Total		2.6	0.0	0.0	0.0	0.0
Restricted Revenues						
Interagency Receipts	51015	1,366.4	1,342.3	1,342.3	1,366.1	1,366.1
General Fund Program Receipts	51060	341.7	291.7	291.7	305.6	305.6
Investment Loss Trust Fund	51393	6.9	0.0	0.0	0.0	0.0
Unrestricted Fund	68515	3,193.8	0.0	2,500.0	0.0	2,500.0
Restricted Total		4,908.8	1,634.0	4,134.0	1,671.7	4,171.7
Total Estimated Revenues		4,911.4	1,634.0	4,134.0	1,671.7	4,171.7

Collections and Support

Proposed Changes in Levels of Service for FY2003

Victim Restitution

Effective January 1, 2002, the collections unit will begin tracking and collecting court judgments ordering the payment of restitution to crime victims. Currently, the Unit collects criminal fines and related costs and certain civil judgments and administrative penalties. The primary means of collecting these judgments is through annual automated attachment of permanent fund dividends. For civil judgments, additional collection actions may be taken, including attachment of bank accounts, garnishment of wages, and judgment debtor exams. With only a few exceptions, all money collected by the Unit is paid to the general fund. Thus, the Unit does not currently track individual payees.

The same collection approach will be applied to the victim restitution judgments, except that the unit will pay the amounts collected to the victims, rather than simply depositing collections into the general fund. The collections unit hopes to hire three new staff members to handle the restitution collection work. In addition, the unit is currently working on the development of a new computer database that will allow more efficient tracking of restitution judgments, automatic attachment of permanent fund dividends for payment of those judgments, and more detailed reporting of collections and balances owed on those judgments.

Funds available for the victim restitution effort were provided through a fiscal note attached to the legislation and passed by the legislature in Ch. 92, SLA 2001, (SB 105). In the FY 2002 Governor's Amended Budget, the department had requested total funding of \$306,500; the legislature reduced that request to \$200,000 during passage. It is anticipated that the effect the new victim restitution work will have on the collections unit will necessitate additional funding. An increment of \$106,500 in general funds is requested in the FY 2003 Governor's Budget in order fully fund the requirements under the new victim's rights law.

Summary of Component Budget Changes

From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	519.9	0.0	1,342.3	1,862.2
Adjustments which will continue current level of service:				
-Year 3 Labor Costs - Net Change from FY2002	8.5	0.0	23.8	32.3
Proposed budget increases:				
-Legal Secretary Reclassification	8.4	0.0	8.4	16.8
-Victim Restitution Program - Fully Fund Fiscal Note	106.5	0.0	0.0	106.5
-.08 Blood Alcohol/Felony DWI - Annualize Fiscal Note Funding	4.3	0.0	0.0	4.3
FY2003 Governor	647.6	0.0	1,374.5	2,022.1

Collections and Support

Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	23	22	Annual Salaries	1,149,915
Part-time	1	1	COLA	34,316
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	354,816
			Less 3.09% Vacancy Factor	(47,500)
			Lump Sum Premium Pay	0
Totals	24	23	Total Personal Services	1,491,547

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Administrative Clerk II	3	0	0	0	3
Administrative Clerk III	2	0	0	0	2
Assoc Attorney I	1	0	0	0	1
Assoc Attorney II	1	0	0	0	1
Associate Atty II	1	0	0	0	1
Attorney III	2	0	1	0	3
Attorney IV	3	1	0	0	4
Attorney V	1	0	0	0	1
Law Office Assistant I	3	0	0	0	3
Law Office Assistant II	1	0	0	0	1
Paralegal II	1	0	0	0	1
Paralegal II	1	1	0	0	2
Totals	20	2	1	0	23

Component: Commercial Section

Contact: Dan Branch, Assistant Attorney General

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Component Mission

Mission statement appears at the department summary and BRU levels.

Component Services Provided

Provide representation, defense, advice, and counsel to the following divisions and corporations within the Departments of Revenue, Community and Economic Development, Labor and Workforce Development, Natural Resources and Law.

DEPARTMENT OF REVENUE:

Income and Excise Audit Division:

- Assist in negotiation of income and excise tax settlements.
- Defend appeals of tax assessments.
- Defend tax legislation against constitutional challenges.
- Appeal adverse decisions of the office of tax appeals to the superior court.
- Defend appeals or original actions on unclaimed property and provide legal advice concerning contracts with third parties for collection of unclaimed property.
- Defend appeals or original actions in enforcement of charitable gaming.
- Assist in drafting regulations.
- Prosecute non-participating tobacco manufacturers who violate the Master Settlement statute.

Permanent Fund Dividend Division:

- Defend appeals of dividend denials.
- Assist in drafting regulations.
- Defend division against original actions.

Alaska Housing Finance Corporation:

- Act as corporate counsel providing general advice on personnel, procurement, and contractual matters.
- Provide legal advice relating to AHFC's mortgage lending, public housing, construction and residential energy activities.
- Represent the corporation in litigation.

Alcoholic Beverage Control Board:

- Provide legal advice regarding the issuance and renewal of alcoholic beverage licenses and on disciplinary matters relating to license holders.
- Assist the board with the drafting and adoption of regulations.

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT:

Division of Occupational Licensing:

- Assist in negotiation of settlements or resolutions of license denials and license discipline.
- Defend appeals of license denial.
- Advise professional boards on legislative and constitutional limitations on their authority.
- Assist in drafting and repealing of regulations.
- Assist in drafting legislation

Division of Investments:

- Obtain judgments on defaulted loans.
- Represent the division in admiralty cases brought in U.S. District Court.
- Provide legal advice.

Division of Banking, Securities and Corporations:

- Defend appeals of cease and desist orders against securities brokers and salespeople.

- Defend appeals of orders regarding proxy challenges.
- Provide legal advice.

Regulatory Commission of Alaska:

- Provide legal advice to the Commission about legal issues raised in filings and assist in the review of orders issued by the Commission

DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT

Alaska Student Loan Corporation:

- Act as corporate counsel providing general advice on personnel, procurement, and contractual matters.
- Assist in drafting legislation and regulations.

Alaska Commission on Postsecondary Education:

- Provide legal advice relating to ACPE's student loans, collections, regulations and legislation.

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT:

Employment Security Division:

- Provide employment security tax collection activities.
- Provide legal advice relating to bankruptcy cases and defending administrative appeals.
- Assist in drafting legislation and regulations.

DEPARTMENT OF NATURAL RESOURCES:

Board of Agriculture Conservation and the Agricultural Revolving Loan Fund:

- Act as legal counsel to the Division of Agriculture on matters relating to agricultural loans and ARLF assets and disposals.

Component Goals and Strategies

Provide legal services on revenue and commercial matters.

Protect the integrity of the state's public finances through fair interpretation, implementation, enforcement, defense, or adoption of Alaska's revenue, permanent fund dividend, employment security, and lending statutes and regulations.

Protect public health, safety and commerce through fair interpretation, implementation, enforcement, defense, or adoption of Alaska's occupational licensing, alcoholic beverage control, and banking, securities and corporation, statutes and regulations.

Provide representation and legal advice (attorney general opinions) to client agencies and boards.

Defend appeals of income and excise tax assessments.

Defend appeals of permanent fund dividend denials.

Defend appeals of occupational license denials or discipline.

Defend appeals of cease and desist orders entered by the Division of Banking, Securities, and Corporations.

Collect money owed the state on defaulted investments, Alaska Housing Finance Corporation loans, agricultural loans, and student loans.

Prepare and review all legislation and regulations on behalf of client agencies and boards.

Key Component Issues for FY2002 – 2003

No key issues.

Major Component Accomplishments in 2001

- Briefed and argued cases in the Alaska Supreme Court on tax issues, liquor licensing, contract interpretation, ANCSA Corporation proxy statements, Alaska Permanent Fund Dividend appeals and charitable gaming cases. Received positive decisions from the court in all eight cases decided by the court concerning tax issues, charitable gaming and Alaska Permanent Fund Dividend appeals.
- Represented the Department of Revenue's gaming unit in suit for damages against a manager of a charitable gaming operation and an owner of a bingo supply company. After the superior court issued an order that would have prevented Revenue from litigating many of its claims, the section successfully petitioned the Alaska Supreme Court to review the order. The court rarely grants such petitions. Subsequently, the court reversed the adverse superior court order and remanded the case back to the superior court for trial.
- Brought 35 court cases against employers who failed to pay employment security taxes.

Statutory and Regulatory Authority

AS 44.23.020

Commercial Section

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	1,151.3	1,164.9	1,309.7
72000 Travel	30.0	18.2	18.3
73000 Contractual	488.2	642.6	773.0
74000 Supplies	19.5	25.0	26.7
75000 Equipment	15.0	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	1,704.0	1,850.7	2,127.7
Funding Sources:			
1004 General Fund Receipts	307.7	275.2	440.8
1007 Inter-Agency Receipts	1,394.4	1,575.5	1,686.9
1053 Investment Loss Trust Fund	1.4	0.0	0.0
1108 Statutory Designated Program Receipts	0.5	0.0	0.0
Funding Totals	1,704.0	1,850.7	2,127.7

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
Unrestricted Fund	68515	16.7	0.0	0.0	0.0	0.0
Unrestricted Total		16.7	0.0	0.0	0.0	0.0
Restricted Revenues						
Interagency Receipts	51015	1,394.4	1,575.5	1,625.5	1,686.9	1,686.9
Statutory Designated Program Receipts	51063	0.5	0.0	0.0	0.0	0.0
Investment Loss Trust Fund	51393	1.4	0.0	0.0	0.0	0.0
Restricted Total		1,396.3	1,575.5	1,625.5	1,686.9	1,686.9
Total Estimated Revenues		1,413.0	1,575.5	1,625.5	1,686.9	1,686.9

Commercial Section

Proposed Changes in Levels of Service for FY2003

The Division of Banking, Securities and Corporations has asked for additional legal support to provide legal advice, help with drafting legislation, assistance with regulations, and aid in the agency's administrative enforcement effort. Additionally, changes anticipated as a result of the passage of the Graham-Leach-Bliley Privacy Act have the potential to increase demand for legal services from the Banking division. The Department of Law and the Department of Community and Economic Development are requesting initial funding to meet the growing need from the Banking division by requesting a half-time attorney position for the Juneau Office beginning in FY 2003. During FY 2003 a review of the workload will be needed to assess whether a half-time position is sufficient to handle the new workload. The FY 2003 Governor's Budget includes a request for \$70,300 in interagency receipts to fund the services of this half-time position.

\$120,000 in general funds are requested to replace funds formerly RSA'd from the Governor's Office. These funds will pay for outside counsel in Washington D.C. Since the passage of the Telecommunications Act of 1996, the focus of counsel's work has been on seeking to assure that the implementation of that Act by the Federal Communications Commission advances the interests of the people of Alaska. In addition to providing specialized legal counsel and advice on proposed telecommunications legislation and new rulemakings and petitions filed at the FCC, there are many other telecommunications issues that arise on an emergency basis each year and cannot be predicted with specificity.

Summary of Component Budget Changes

From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	275.2	0.0	1,575.5	1,850.7
Adjustments which will continue current level of service:				
-Adjust Vacancy by fund source between line items and components ADN# 0320124	0.0	0.0	35.2	35.2
-Year 3 Labor Costs - Net Change from FY2002	4.1	0.0	25.3	29.4
-Adjust vacancy by fund source between line items and components	12.3	0.0	0.0	12.3
-Transfer I/A back to Fair Business Practices, Replace with GF	0.0	0.0	-22.4	-22.4
-Transfer GF from Fair Business Practices/Replaces I/A	22.4	0.0	0.0	22.4
Proposed budget increases:				

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
-Legal Secretary Reclassification	6.8	0.0	3.0	9.8
-Banking & Securities Attorney	0.0	0.0	70.3	70.3
-Telecommunications Act Outside Counsel	120.0	0.0	0.0	120.0
FY2003 Governor	440.8	0.0	1,686.9	2,127.7

Commercial Section

Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	14	14	Annual Salaries	1,045,280
Part-time	2	4	COLA	33,679
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	285,330
			Less 4.00% Vacancy Factor	(54,572)
			Lump Sum Premium Pay	0
Totals	16	18	Total Personal Services	1,309,717

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Assoc Attorney I	0	0	1	0	1
Attorney III	2	0	0	0	2
Attorney IV	4	0	3	0	7
Attorney V	1	0	2	0	3
Law Office Assistant I	2	0	1	0	3
Law Office Assistant II	1	0	0	0	1
Paralegal II	1	0	0	0	1
Totals	11	0	7	0	18

Component: Environmental Law

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Component Mission

Mission statement is included at the department summary and BRU levels.

Component Services Provided

Environmental Law provides legal representation to state agencies for the investigation, defense and prosecution of claims regarding contaminated sites around the state as well as legal advice on environmental matters. The section also provides legal representation to state agencies for the defense and prosecution of claims regarding the EXXON VALDEZ oil spill, the reimbursement of oil spill-related costs and the expenditure of restoration funds. It provides legal services in connection with obtaining recovery of the state's contribution to the Trans-Alaska Pipeline Liability Fund. Environmental Law also provides paralegal services, data collection and processing to support the activities. The budgeted cost of the Environmental Law section is relatively modest in comparison to the revenues that may be returned to the state treasury through its efforts.

The section was established in 1989 in the aftermath of the EXXON VALDEZ oil spill to force superior court in action against Exxon, Alyeska, and the TAPS Owner Companies alleging a number of violations of state law and seeking a broad array of damages, including a claim for injuries to the state's natural resources. In March 1991, the state filed an action in federal court seeking restoration costs and natural resource damages under the Clean Water Act. That effort has culminated in a remarkable series of agreements that have brought over \$1 billion to the state for restoration of the oil spill impacted area and reimbursement of state and federal response, damage assessment, and litigation expenditures. While the case has settled as to the state's claims and liabilities, work remains concerning expenditure of the restoration funds. As of September 1, 2001, full reimbursement of all state oil spill-related expenses has been accomplished. Some closely related matters, such as recovering the state's contribution to the Trans-Alaska Pipeline Liability Fund, and oversight of the expenditure of those monies, are also undertaken through this component.

In 1993 the expertise of the EXXON VALDEZ litigation team was, in part, redirected to initiate and implement a special project to force the cleanup and to recover for costs and damages related to contaminated sites around the state that pose an imminent or substantial threat to public health or the environment.

In order to deal effectively with these environmental threats and to ensure that those responsible for environmental degradation pay for the costs to the state of their actions, DEC requires substantial assistance from the Department of Law. [See "DEC Cost Recovery Policy & Procedures" (August 1993)]. Department staff, utilizing information from DEC's contaminated sites database, gather information and documentation on the priority sites. Department attorneys then perform a legal analysis of the sites' potential for responsible party cleanup or state cost recovery action. To accomplish this, the department identifies "responsible parties" at these priority sites as well as those parties' financial ability to initiate remediation and the potential for success of legal action. In consultation with DEC, department attorneys pursue appropriate enforcement actions to ensure cleanup at these sites or recommend to DEC that the state initiate a state led cleanup. In either case, the department pursues appropriate reimbursement of any state cleanup expenditures. The department consults with DEC in decisions to release a potentially responsible party from liability when available evidence indicates that the party is not, in fact, liable.

The Environmental section defends environmental lawsuits against the state. The section is also involved in prosecuting cruise lines that foul Alaska's air and waters and advises DEC regarding implementation of the recently enacted Alaska cruise ship oversight program. Finally, the department uses funds from this component to provide advice to agencies, primarily DEC, about environmental compliance issues and other matters such as the accommodation of environmental laws to national and state security concerns.

Component Goals and Strategies

Maximize the state's efforts to secure cleanup of contaminated sites and to ensure, to the greatest extent possible, that the costs of such cleanup are borne by the responsible parties.

Provide advice to the Department of Environmental Conservation (DEC) for measures relating to protection of the environment.

Minimize the monetary exposure of the state to claims by the United States and third parties for damages relating to environmental problems.

Ensure that the available restoration funds from the EXXON VALDEZ settlement are expended in accordance with law and for the maximum benefit of the Alaska environment.

Work with state and federal agencies and the EXXON VALDEZ Oil Spill Trustee Council to provide for the appropriate restoration of the natural resources damaged by the EXXON VALDEZ oil spill.

Obtain complete recovery of those contributions made by the state to the Trans-Alaska Pipeline Liability Fund.

Work with state agencies in the prosecution of litigation related to cleanup and cost recovery from responsible parties for contaminated sites in the state.

Promote responsible protection for the environment of Alaska.

Provide for the defense of environmental claims against the state.

Work with state and federal agencies to ensure that environmental laws accommodate national and state security needs.

Key Component Issues for FY2002 – 2003

No key issues.

Major Component Accomplishments in 2001

In FY 2001, the department recovered almost \$2,000,000 for state costs and penalties related to contaminated sites, obtained cleanup agreements with polluters with an estimated value of over \$500,000, and recovered approximately \$3,886,000 for EXXON VALDEZ oil spill related matters. To accomplish this, the department expended only \$1,190,500. In separate activities under this component, the department defended several potentially significant lawsuits where the state was alleged to have violated environmental laws with claimed damages in the millions of dollars. The department successfully prosecuted claims against cruise lines which fouled Alaska's air and continues to be involved in the state's oversight of that industry. The department also participated in lawsuits, such as those involving the Prince William Sound contingency plan, where the interests of the state are under attack based upon alleged violations of environmental laws.

Statutory and Regulatory Authority

AS 44.23.020

Environmental Law

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	918.5	870.1	879.2
72000 Travel	18.9	43.9	43.9
73000 Contractual	225.8	287.6	287.6
74000 Supplies	15.3	33.8	33.8
75000 Equipment	12.0	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	1,190.5	1,235.4	1,244.5
Funding Sources:			
1004 General Fund Receipts	549.6	607.8	603.2
1007 Inter-Agency Receipts	186.0	156.8	160.2
1053 Investment Loss Trust Fund	3.7	0.0	0.0
1055 Inter-agency/Oil & Hazardous Waste	450.0	470.8	481.1
1108 Statutory Designated Program Receipts	1.2	0.0	0.0
Funding Totals	1,190.5	1,235.4	1,244.5

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
Unrestricted Fund	68515	0.7	0.0	0.0	0.0	0.0
Unrestricted Total		0.7	0.0	0.0	0.0	0.0
Restricted Revenues						
Interagency Receipts	51015	186.0	156.8	281.3	160.2	356.2
Statutory Designated Program Receipts	51063	1.2	0.0	0.0	0.0	0.0
Investment Loss Trust Fund	51393	3.7	0.0	0.0	0.0	0.0
Interagency Recs./Oil & Hazardous Waste	51395	450.0	470.8	470.8	481.1	481.1
Restricted Total		640.9	627.6	752.1	641.3	837.3
Total Estimated Revenues		641.6	627.6	752.1	641.3	837.3

Environmental Law

Proposed Changes in Levels of Service for FY2003

No changes.

Summary of Component Budget Changes

From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	607.8	0.0	627.6	1,235.4
Adjustments which will continue current level of service:				
-Adjust vacancy by fund source between line items and components ADN# 0320124	-31.0	0.0	0.0	-31.0
-Year 3 Labor Costs - Net Change from FY2002	10.1	0.0	10.5	20.6
-Adjust vacancy by fund source between line items and components	13.1	0.0	0.0	13.1
Proposed budget increases:				
-Legal Secretary Reclassification	3.2	0.0	3.2	6.4
FY2003 Governor	603.2	0.0	641.3	1,244.5

Environmental Law

Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	11	11	Annual Salaries	697,976
Part-time	1	1	COLA	22,795
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	195,058
			<i>Less 4.00% Vacancy Factor</i>	(36,632)
			Lump Sum Premium Pay	0
Totals	12	12	Total Personal Services	879,197

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Assoc Attorney II	1	0	0	0	1
Attorney III	1	0	1	0	2
Attorney IV	4	0	0	0	4
Attorney V	1	0	0	0	1
Attorney VI	0	1	0	0	1
Law Office Assistant I	1	0	0	0	1
Law Office Assistant II	1	0	0	0	1
Paralegal II	1	0	0	0	1
Totals	10	1	1	0	12

Component: Fair Business Practices

Contact: Signe Andersen, Assistant Attorney General

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Component Mission

Mission statement appears at the department summary and BRU levels.

Component Services Provided

Enforce the state's consumer protection and antitrust laws and exercise the Attorney General's authority under federal antitrust laws.

Provide advice, representation, defense in court proceedings, and legislative and regulations drafting to the following commissions, divisions and corporations within the following departments:

Department of Community and Economic Development: the Regulatory Commission of Alaska (includes representation of staff when staff is designated as an advocate); Division of Insurance (includes representation of staff in administrative enforcement actions); Division of Occupational Licensing (includes representation of division in administrative enforcement actions before the various occupational boards and commissions); Department of Education and Early Development: Professional Teaching Practices Commission (includes representation of staff in disciplinary proceedings).

Component Goals and Strategies

Protect the public by enforcing consumer protection and antitrust laws.

Protect the public by providing enforcement support and advice to agencies that monitor compliance of business licensees with statutes prohibiting the sale of tobacco products to minors.

Protect the public by providing legal services and advice to the agencies that monitor insurance companies and licensees, occupational licensees, public utilities, and certified teachers.

Provide representation and legal advice to the agencies, staff, and boards and commissions of the agencies represented by the section.

Assist the represented agencies in negotiating contracts for procuring services.

Investigate violations of consumer protection and antitrust laws and initiate enforcement action in appropriate cases.

Key Component Issues for FY2002 – 2003

Alaska is a target state for many types of consumer fraud. Under the terms of the Consumer Protection Act (AS 45.50.471 et seq.), the Attorney General's office is authorized to investigate and bring enforcement action against businesses that engage in unfair or deceptive trade practices. Given the current funding and staffing level and the large areas of enforcement the office is responsible for, it is still forced to turn away many legitimate cases of consumer fraud. Enforcement activities are directed to situations affecting a large number of consumers or involving large dollar amounts, and often there are not enough resources for even those cases. We have been able to increase enforcement activity because of additional statutory designated program receipt resources appropriated to this component beginning in FY 2000.

In the last fiscal year, another full-time attorney was hired in the Consumer Protection Unit to handle consumer protection enforcement and tobacco enforcement cases involving the sale of tobacco products to minors. This addition has increased the number of consumer protection actions initiated by the unit and the number of cases prosecuted to suspend the tobacco endorsements of businesses selling tobacco products to minors. In addition, a full-time

paraprofessional hired in the last fiscal year continues to provide assistance in investigating and preparing consumer protection and antitrust cases. These staffing changes are allowing the department to increase its investigation and enforcement activities relative to consumer protection and antitrust issues. These staffing changes also have allowed the department to increase participation in multi-state investigation and enforcement activities involving national companies that have committed unfair or deceptive practices impacting Alaskan consumers.

With existing resources, the department has refined and expanded its consumer protection web page that is assisting consumers in identifying and protecting against fraud. This effort has increased the number of consumer complaints received and handled by the department. The department continues to maintain the cooperative agreement with the Better Business Bureau of Alaska, Inc. (BBB) to handle consumer complaints that may benefit from the mediation and arbitration services provided by the BBB.

In addition to increased actions against businesses engaged in unfair and deceptive trade practices, the department continues to increase its antitrust enforcement efforts over the past year in the aftermath of recent large corporate merger and acquisition activities within the state and in anticipation of future merger and acquisition activities. The department will continue to take appropriate steps to ensure receipt of statutory designated program receipts on a regular basis in FY 2003 to help fund the consumer protection program.

In the last fiscal year, a fulltime attorney and a part-time paralegal were hired to provide services to the Department of Community and Economic Development's Division of Occupational Licensing. These hires have significantly increased the number of discipline cases brought against holders of professional licenses that are prosecuted by this office on behalf of the Division of Occupational Licensing.

Major Component Accomplishments in 2001

Generally

- Successfully prosecuted a teaching certificate revocation case before the Professional Practices Teaching Practices Commission involving a teacher who was found to have engaged in sexual misconduct with students and sexual harassment of co-workers, to have misused school district property, and to have falsely represented his qualifications to others.
- Provided legal advice and completed a 50 page bill drafting assignment on behalf of the division of insurance to implement important financial services reform for the insurance industry necessitated by the federal Gramm-Leach-Bliley Act. The bill passed the 2001 legislative session and was signed by the Governor.

Consumer Protection/Antitrust

- Successfully negotiated settlements in three auto dealers cases involving multiple violations of Alaska's Unfair and Deceptive Trade Practices Act, the federal Truth in Lending Act, and the federal Magnuson-Moss Warranty Act. These settlements will involve payment of restitution to consumers and substantial civil penalties to the state in excess of \$35,000.
- Obtained consent judgments in settlement of three multi state consumer protection sweepstakes cases involving Publishers Clearing House, Time, Inc., and Readers Digest. The settlements will result in recovery of \$225,000 for the state and thousands of dollars for restitution to consumers including consumers in Alaska.
- Obtained settlements in multi state antitrust case involving Bausch and Lomb and Johnson and Johnson, manufacturers of contact lens. The settlements will result in recovery to the state of approximately \$20,000 to \$40,000 and in restitution to consumers who have purchased replacement contact lenses since January 1, 1988.

Statutory and Regulatory Authority

AS 44.23.020

Fair Business Practices

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	1,185.5	1,292.7	1,287.8
72000 Travel	13.3	12.2	12.2
73000 Contractual	248.5	261.0	261.0
74000 Supplies	19.8	52.1	52.1
75000 Equipment	15.4	15.1	8.6
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	1,482.5	1,633.1	1,621.7
Funding Sources:			
1004 General Fund Receipts	413.5	433.8	425.7
1005 General Fund/Program Receipts	0.0	50.0	50.0
1007 Inter-Agency Receipts	913.4	966.5	960.0
1053 Investment Loss Trust Fund	3.2	0.0	0.0
1108 Statutory Designated Program Receipts	152.4	182.8	186.0
Funding Totals	1,482.5	1,633.1	1,621.7

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
Unrestricted Fund	68515	756.1	0.0	0.0	0.0	0.0
Unrestricted Total		756.1	0.0	0.0	0.0	0.0
Restricted Revenues						
Interagency Receipts	51015	913.4	966.5	1,109.3	966.5	966.5
General Fund Program Receipts	51060	0.0	50.0	50.0	50.0	50.0
Statutory Designated Program Receipts	51063	152.4	182.8	182.8	186.0	186.0
Investment Loss Trust Fund	51393	3.2	0.0	0.0	0.0	0.0
Restricted Total		1,069.0	1,199.3	1,342.1	1,202.5	1,202.5
Total Estimated Revenues		1,825.1	1,199.3	1,342.1	1,202.5	1,202.5

Fair Business Practices
Proposed Changes in Levels of Service for FY2003

No changes proposed.

Summary of Component Budget Changes
From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	483.8	0.0	1,149.3	1,633.1
Adjustments which will continue current level of service:				
-Adjust vacancy by fund source between line items and components ADN# 0320124	0.0	0.0	-47.5	-47.5
-Year 3 Labor Costs - Net Change from FY2002	10.5	0.0	20.2	30.7
-Transfer I/A from Commercial/Replace with GF	0.0	0.0	22.4	22.4
-Transfer GF to Commercial/Replaces I/A	-22.4	0.0	0.0	-22.4
Proposed budget decreases:				
-Back out one-time equipment costs related to HB 228	0.0	0.0	-6.5	-6.5
Proposed budget increases:				
-Legal Secretary Reclassification	3.8	0.0	8.1	11.9
FY2003 Governor	475.7	0.0	1,146.0	1,621.7

Fair Business Practices
Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	15	16	Annual Salaries	1,011,900
Part-time	5	2	COLA	33,268
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	291,155
			<i>Less 3.63% Vacancy Factor</i>	(48,523)
			Lump Sum Premium Pay	0
Totals	20	18	Total Personal Services	1,287,800

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Assoc Attorney I	1	0	0	0	1
Assoc Attorney II	2	0	0	0	2
Attorney III	1	0	0	0	1
Attorney IV	8	0	0	0	8
Attorney V	1	0	0	0	1
Law Office Assistant I	3	0	0	0	3
Law Office Assistant II	1	0	0	0	1
Paralegal I	1	0	0	0	1
Totals	18	0	0	0	18

Component: Governmental Affairs Section

Contact: James Baldwin, Assistant Attorney General

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Component Mission

Mission statement is included at the department summary level.

Component Services Provided

The Governmental Affairs section provides legal assistance needed for governmental management, including budget, public finance, employment, labor relations, civil rights, procurement, retirement programs, Medicaid rate disputes, and investment of treasury and Permanent Fund Corporation funds. The section provides legal assistance for problems associated with institutional relationships within state government, including the separation of powers between the three branches of government and interaction between the state and local governments. It also provides legal assistance on issues associated with the conduct of elections. Legal services are provided to the Departments of Administration, Labor and Workforce Development, and Community and Economic Development, Office of the Governor, Office of the Lieutenant Governor, Office of Management and Budget, the Permanent Fund Corporation, AIDEA, Alaska Public Offices Commission, Human Rights Commission, Division of Elections, and the Alaska Court System.

Component Goals and Strategies

Provide legal services to the Departments of Administration, Labor and Workforce Development, and Community and Economic Development, Office of the Governor, Office of the Lieutenant Governor, Office of Management and Budget, Permanent Fund Corporation, AIDEA, Alaska Public Offices Commission, Human Rights Commission, Division of Elections, DHSS Medicaid Rate Advisory Commission, and the Alaska Court System.

Provide a central core of attorneys experienced in government organization law to advise other Department of Law staff and agencies not served directly as client agencies.

Provide representation and legal advice to client agencies, department staff, and others as assigned by the attorney general, including making or defending claims for violation of fiduciary obligations owed to the state, rural education attendance areas, or a municipality.

Advise and represent the management interests of state agencies as they deal with collective bargaining and other employment issues or disputes, including advice to the division of personnel and other agencies relating to negotiations, grievances, arbitrations, unfair labor practices, and resulting court proceedings.

Advise the state personnel board as it carries out its quasi-judicial function.

Defend the state in procurement bid protests and appeals not involving construction.

Advise the Division of Elections concerning the conduct of state and local elections supervised by that division.

Advise the Local Boundary Commission regarding incorporation, annexation, detachment, and other related boundary changes, including court proceedings instituted to review actions of the commission.

Serve as chief counsel to AIDEA, the Alaska Energy Authority, and the Alaska Permanent Fund Corporation, including the supervision of specialized contract counsel for these public corporations.

Provide advice to the Division of Retirement and Benefits as it performs the function of sponsor of the state's 6 public employee and teacher retirement systems and other benefits.

Key Component Issues for FY2002 – 2003

The Governmental Affairs section is representing the state in two major cases with potential significant budget impacts. The first case involves a claim that the state discriminated against rural school districts in the manner used to fund school facilities. This case also involves claims that the state breached fiduciary obligations when it changed the public school trust from a land-based trust to a moneybased trust. The second case involves a sweeping claim by tribal organizations that the state has discriminated against 165 isolated Native villages in the way in which it provides police protection through the Alaska State Troopers and village public safety officer program. The section is also devoting substantial time to advising the terrorism policy cabinet.

Major Component Accomplishments in 2001

- The Governmental Affairs section successfully concluded a mediation with the Bank of America in which the bank agreed to pay the state and affected agencies and municipalities a total of \$35,600,000 in compensation for mismanagement of public funds held in trust. This recovery will be shared by the state treasury and the affected public corporations and municipalities.
- The section also represented the Division of Retirement and Benefits before the PERS and TRS boards on benefit appeals which are increasing in number and complexity.
- Attorneys of the section represented the state in trials involving cases brought alleging employment-related claims and obtained just results.
- The state's primary election system was changed to comply with United States Supreme Court precedent and this change was implemented by legislation which was drafted and closely monitored by attorneys of the section.
- The section is defending legal challenges to a voter-approved ballot measure to make English the state's official language.
- The section provided legal advice to the Department of Corrections relating to the financing of new correctional facilities.
- The state's primary election system was changed to comply with United States Supreme Court precedent and this change was implemented by legislation which was drafted and closely monitored by attorneys of the section.
- The section is defending legal challenges to a voter-approved ballot measure to make English the state's official language.
- The section provided legal advice to the Department of Corrections relating to the financing of new correctional facilities.

Statutory and Regulatory Authority

AS 44.23.020

Governmental Affairs Section
Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	1,596.6	1,806.1	1,944.8
72000 Travel	29.2	20.5	20.7
73000 Contractual	2,033.4	1,257.6	1,553.3
74000 Supplies	29.1	33.6	37.0
75000 Equipment	51.0	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	3,739.3	3,117.8	3,555.8
Funding Sources:			
1004 General Fund Receipts	1,100.7	1,461.7	1,037.6
1007 Inter-Agency Receipts	2,320.2	1,331.1	2,193.2
1053 Investment Loss Trust Fund	4.8	0.0	0.0
1108 Statutory Designated Program Receipts	313.6	325.0	325.0
Funding Totals	3,739.3	3,117.8	3,555.8

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
Unrestricted Fund	68515	4.1	0.0	0.0	0.0	0.0
Unrestricted Total		4.1	0.0	0.0	0.0	0.0
Restricted Revenues						
Interagency Receipts	51015	2,320.0	1,331.1	2,013.6	2,193.2	2,193.2
Statutory Designated Program Receipts	51063	313.6	325.0	0.0	325.0	0.0
Investment Loss Trust Fund	51393	4.8	0.0	0.0	0.0	0.0
Restricted Total		2,638.4	1,656.1	2,013.6	2,518.2	2,193.2
Total Estimated Revenues		2,642.5	1,656.1	2,013.6	2,518.2	2,193.2

Governmental Affairs Section

Proposed Changes in Levels of Service for FY2003

Attorneys working in the Governmental Affairs section are some of the department's most senior and experienced staff. This section handles a wide variety of complex cases including cases dealing with intergovernmental relations, public finance, procurement, elections, and labor relations and employment law. With the aging of the state workforce, the section's retirement and benefits practice will steadily increase for the near future. In order to provide legal service in this growing area of the section's practice the Governmental Affairs budget includes a request for \$140,300 to provide funding for an additional Attorney IV position.

Summary of Component Budget Changes

From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	1,461.7	0.0	1,656.1	3,117.8
Adjustments which will continue current level of service:				
-Adjust vacancy by fund source between line items and components ADN# 0320124	0.0	0.0	-11.9	-11.9
-Year 3 Labor Costs - Net Change from FY2002	22.3	0.0	22.0	44.3
-Reduce funding for Bank of America (Sec 41 CH 61 SLA 01 P 93 L 28(SB29))	-425.0	0.0	0.0	-425.0
-Adjust vacancy by fund source between line items and components	-25.4	0.0	0.0	-25.4
Proposed budget increases:				
-Legal Secretary Reclassification	4.0	0.0	11.7	15.7
-Retirement & Benefits Attorney IV Position and Funding	0.0	0.0	140.3	140.3
-Permanent Fund Corp. Outside Counsel	0.0	0.0	700.0	700.0
FY2003 Governor	1,037.6	0.0	2,518.2	3,555.8

Governmental Affairs Section**Personal Services Information**

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	21	22	Annual Salaries	1,568,523
Part-time	1	1	COLA	52,034
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	422,644
			<i>Less 4.82% Vacancy Factor</i>	(98,401)
			Lump Sum Premium Pay	0
Totals	22	23	Total Personal Services	1,944,800

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Assoc Attorney I	0	0	1	0	1
Attorney IV	6	0	4	0	10
Attorney V	3	0	3	0	6
Attorney VI	1	0	0	0	1
Law Office Assistant I	2	0	1	0	3
Law Office Assistant II	1	0	1	0	2
Totals	13	0	10	0	23

Component: Human Services Section

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Component Mission

Mission statement appears at the department summary and BRU levels.

Component Services Provided

Provide legal assistance on issues arising from the state's education, health services, social services, juvenile justice, and welfare programs. Advise these agencies regarding changes in federal law and steps necessary at the state level to remain in compliance with federal funding requirements.

Initiate legal action to remove children from abusive or neglectful homes, assist DFYS to implement a plan to safely return children home or to act to terminate parental rights to allow permanent placement in adoptive homes of children in state custody, prosecute juvenile delinquency cases, prosecute foster care licensing revocations, establish senior guardianships, prosecute mental commitments, represent the state in Medicaid recipient/provider hearings and appeals, and handle Alaska Supreme Court and Court of Appeals appellate work for all of the above types of cases.

Component Goals and Strategies

Provide legal advice and representation to the Departments of Education and Early Development, Labor and Workforce Development, and Health and Social Services.

Protect the public by providing legal services and advice to these agencies regarding labor, education, child protection, juvenile delinquency, licensing, Medicaid funding matters, and health issues.

Protect the state's financial resources by advising agencies on decisions that might lead to financial claims, defending against unreasonable claims, and facilitating reasonable settlements or other appropriate resolution to issues.

Assist DFYS in initiating actions to remove children from abusive or neglectful homes, actions to reunify children with their parents if can be safely done, and the termination of parental rights when determined to be in the best interests of a child.

Prosecute juvenile delinquency cases. Institutionalize offenders if necessary to protect the public or support a lesser restrictive alternative if appropriate under the circumstances. Contact victims of crimes, encouraging their participation in the prosecution process, and provide support and information to them throughout the process.

Provide representation in cases involving denial or removal of childcare or adult foster care licenses.

Prosecute mental commitments.

Represent the Division of Medical Assistance in Medicaid provider and recipient hearings and appeals.

Advise on and represent the state in matters related to providing quality educational services throughout the state.

Protect the confidential personal information retained by the state in the context of administering state programs from improper or unnecessary disclosure.

Provide legal defense in appeals of administrative hearing decisions.

Fully litigate actions all the way to the Alaska Supreme Court or Court of Appeals, if necessary.

Advise the State Medical Examiner's Office.

Advise state public health officials regarding the Department of Health and Social Services' legal authorities to act to protect the public health.

Key Component Issues for FY2002 – 2003

Child protection workloads continue to be of concern to the department. Statutory changes at the state and federal level have necessitated changes in how long children may remain in the child protection legal system, and when certain actions must occur, and they define parental responsibility more concretely. These changes move cases to conclusion faster to ensure that when reunification with the family is not in the child's best interest, the child can be made legally eligible for placement in a permanent home more quickly. The accelerated schedules severely impact attorney workloads. Maintenance of our existing resources for child protection is necessary in order for us to effectively manage this important responsibility. In FY 2002, for example, we had to cut half of an attorney position in the Human Services component due to a reduction in the Balloon Project funding received by DHSS. This cut has had a direct impact on the Anchorage Human Services section, resulting in an increase in the average per attorney child abuse and neglect caseload. Another key issue for this component is the need for paraprofessional support to assist our Fairbanks Human Services section.

Major Component Accomplishments in 2001

- Participated in an interagency effort (Balloon Project) to reduce backlog of children in foster care longer than state and federal laws permit. As of September 15, 2001, 89 percent of the 662 children in foster care the longest were in a permanent placement, and in another eight percent of the cases, the legal work to free these children for adoption is complete. As these oldest cases have been successfully resolved, the next oldest group of cases has been added. The project now has five phases including more than 1,600 children, of whom 72 percent now have permanent homes, and another 14 percent are legally free for adoption. (See performance measure at the department level.)
- Continued to revise DFYS forms and institute new practices to comply with the new law passed in 1998 and subsequent amendments to the children's code.
- Participated in an interagency effort (the SNAP Project – "Simple New Adoption Process") to develop ways to streamline the adoption process once adoption is determined to be the permanent plan for a child.
- Engaged in several hotly-contested foster care licensing revocation actions.
- Achieved several major victories in the Alaska Supreme Court on issues that significantly affect our day-to-day practice.
- Provided monthly training sessions at the social worker academy on the child protection legal system.
- Prosecuted scores of juvenile delinquents, obtaining numerous felony and misdemeanor adjudications. Several of these cases involved high-profile crimes with significant media attention including a case involving multiple home burglaries committed by group of 17 youths.
- Provided on-going advice and representation to the Department of Education and Early Development in matters requiring legislation, regulations, and legal defense.
- Advised the Department of Health and Social Services on matters related to compliance with federal law affecting confidential patient records, and legal matters regarding the reporting and control of diseases of public health significance.

Statutory and Regulatory Authority

AS 44.23.020

Human Services Section

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	3,661.5	3,330.7	3,686.6
72000 Travel	38.4	61.2	61.8
73000 Contractual	496.3	444.0	476.3
74000 Supplies	53.2	61.1	71.4
75000 Equipment	47.1	0.0	6.5
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	4,296.5	3,897.0	4,302.6
Funding Sources:			
1004 General Fund Receipts	2,804.8	2,873.5	3,233.3
1007 Inter-Agency Receipts	1,408.5	959.7	1,004.1
1037 General Fund / Mental Health	64.0	63.8	65.2
1053 Investment Loss Trust Fund	13.9	0.0	0.0
1108 Statutory Designated Program Receipts	5.3	0.0	0.0
Funding Totals	4,296.5	3,897.0	4,302.6

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
Unrestricted Fund	68515	1.3	0.0	0.0	0.0	0.0
Unrestricted Total		1.3	0.0	0.0	0.0	0.0
Restricted Revenues						
Interagency Receipts	51015	1,408.5	959.7	1,265.1	1,004.1	1,122.1
Statutory Designated Program Receipts	51063	5.3	0.0	0.0	0.0	0.0
Investment Loss Trust Fund	51393	13.9	0.0	0.0	0.0	0.0
Restricted Total		1,427.7	959.7	1,265.1	1,004.1	1,122.1
Total Estimated Revenues		1,429.0	959.7	1,265.1	1,004.1	1,122.1

Human Services Section

Proposed Changes in Levels of Service for FY2003

The department is requesting \$98,700 in general funds for a paraprofessional position to support the Fairbanks Human Services section. The section presently has no paraprofessional support. The heavy caseload of the Human Services attorneys in Fairbanks, the broad geographical coverage of the office (including Barrow), and the fast tempo of the Human Services child protection cases resulting from the statutory timelines created by CH 99 SLA 98, are placing the attorneys under intense pressure. Paraprofessional assistance is a cost-effective way to enable staff attorneys to effectively manage the excessive caseload and short timelines, and keep cases moving through the process expeditiously to avoid children lingering in the child protection system.

Summary of Component Budget Changes

From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	2,937.3	0.0	959.7	3,897.0
Adjustments which will continue current level of service:				
-Adjust vacancy by fund source between line items and components ADN# 0320124	31.0	0.0	3.2	34.2
-Year 3 Labor Costs - Net Change from FY2002	57.7	0.0	22.4	80.1
Proposed budget increases:				
-Legal Secretary Reclassification	25.5	0.0	18.8	44.3
-Paralegal support for Bethel / Fairbanks	98.7	0.0	0.0	98.7
-Therapeutic Courts - Fully Fund Fiscal Note	148.3	0.0	0.0	148.3
FY2003 Governor	3,298.5	0.0	1,004.1	4,302.6

Human Services Section

Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	51	54	Annual Salaries	3,032,145
Part-time	2	3	COLA	92,665
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	908,112
			<i>Less 8.59% Vacancy Factor</i>	(346,322)
			Lump Sum Premium Pay	0
Totals	53	57	Total Personal Services	3,686,600

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Administrative Clerk I	2	0	0	0	2
Attorney III	10	0	3	1	14
Attorney IV	4	3	3	1	11
Attorney V	3	1	2	0	6
Law Office Assistant I	8	2	3	2	15
Law Office Assistant II	1	1	1	0	3
Paralegal Asst II	1	0	0	0	1
Paralegal I	1	0	0	0	1
Paralegal II	2	1	1	0	4
Totals	32	8	13	4	57

Component: Legislation/Regulations

Contact: Deborah Behr, Assistant Attorney General

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Component Mission

Mission statement appears at the department summary and BRU levels.

Component Services Provided

The Legislation and Regulations section drafts and edits legislation on behalf of the governor for introduction in the legislature, tracks and reviews all legislation for legal issues before the governor acts on it, and reviews virtually all regulations adopted by the executive branch for compliance with legal requirements. The section provides training on regulations matters to all state agencies and to assistant attorneys general. The section prepares the Drafting Manual for Administrative Regulations. The section frequently provides advice to state agencies regarding legal requirements on regulations, public records, and the Open Meetings Act. The section supervisor serves as the executive branch representative to the National Conference of Commissioners on Uniform State Laws, which formulates prepared legislation on issues of concern across state lines.

Component Goals and Strategies

Provide legal advice and review for constitutional and statutory requirements in the preparation of state legislation and regulations.

Coordinate and prepare legislation for introduction at the governor's request.

Coordinate and prepare legal recommendations to the governor on legislation pending governor's action.

Perform the statutorily required legal review of executive branch regulations in a timely manner and approve regulations for filing by the Office of the Lieutenant Governor.

Advise and provide training to all executive branch agencies on the legal requirements for state legislation and regulations.

Serve as a uniform law commissioner for the State of Alaska to ensure that Alaska interstate commerce law, investment law, and other matters of concern across state lines are current to facilitate a better business climate and easier resolution of interstate legal matters.

Key Component Issues for FY2002 – 2003

No key issues.

Major Component Accomplishments in 2001

Conducted legal review of over 2,000 pages of regulations during FY 2001.

Prepared 2000 edition of the Drafting Manual for Administrative Regulations.

Conducted training classes in:

- (A) Anchorage, Fairbanks, and Juneau by videoconferencing to over 80 employees on ways to improve public satisfaction with the regulations process;
- (B) Anchorage, Fairbanks, and Juneau regarding the new 2000 version of the Drafting Manual for Administrative Regulations;

- (C) Anchorage and Juneau by telephone conference, conducted secretarial training classes in typing and format standards for both regulations and legislation projects.

Statutory and Regulatory Authority

AS 44.23.020

Legislation/Regulations

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	447.5	379.9	393.0
72000 Travel	4.7	11.0	11.0
73000 Contractual	62.3	99.2	99.2
74000 Supplies	7.5	12.3	12.3
75000 Equipment	5.8	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	527.8	502.4	515.5
Funding Sources:			
1004 General Fund Receipts	395.6	375.2	385.1
1007 Inter-Agency Receipts	129.6	127.2	130.4
1053 Investment Loss Trust Fund	1.9	0.0	0.0
1108 Statutory Designated Program Receipts	0.7	0.0	0.0
Funding Totals	527.8	502.4	515.5

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
None.		0.0	0.0	0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0	0.0	0.0
Restricted Revenues						
Interagency Receipts	51015	129.6	127.2	127.2	130.4	130.4
Statutory Designated Program Receipts	51063	0.7	0.0	0.0	0.0	0.0
Investment Loss Trust Fund	51393	1.9	0.0	0.0	0.0	0.0
Restricted Total		132.2	127.2	127.2	130.4	130.4
Total Estimated Revenues		132.2	127.2	127.2	130.4	130.4

Legislation/Regulations

Proposed Changes in Levels of Service for FY2003

None.

Summary of Component Budget Changes

From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	375.2	0.0	127.2	502.4
Adjustments which will continue current level of service:				
-Adjust vacancy by fund source between line items and components ADN# 0320124	0.0	0.0	1.1	1.1
-Year 3 Labor Costs - Net Change from FY2002	7.5	0.0	2.1	9.6
Proposed budget increases:				
-Legal Secretary Reclassification	2.4	0.0	0.0	2.4
FY2003 Governor	385.1	0.0	130.4	515.5

Legislation/Regulations

Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	5	5	Annual Salaries	307,466
Part-time	0	0	COLA	10,080
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	87,810
			<i>Less 3.05% Vacancy Factor</i>	(12,356)
			Lump Sum Premium Pay	0
Totals	5	5	Total Personal Services	393,000

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Assoc Attorney II	0	0	2	0	2
Attorney III	0	0	1	0	1
Attorney V	0	0	1	0	1
Law Office Assistant I	0	0	1	0	1
Totals	0	0	5	0	5

Component: Natural Resources

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Component Mission

Mission statement appears at the department summary and BRU levels.

Component Services Provided

Provide legal advice and representation to state departments, boards and commissions that regulate Alaska's lands, waters, and renewable natural resources. Represent those agencies in litigation, and draft and review regulations governing them. Draft bills requested by the Governor's Office, and comment on legislation dealing with natural resources. Advise the Governor's Office on natural resource matters.

Component Goals and Strategies

Ensure that Alaska's lands, waters, and renewable natural resources are managed and allocated by state agencies in a manner that is consistent with the law.

Defend against legal challenges to actions taken by Alaska natural resources agencies.

Pursue legal actions against persons who are illegally using, damaging, or destroying Alaska's lands, waters, or renewable natural resources.

Provide legal advice and assistance to the Governor's Office and state agencies on matters of federal Indian law and assist in the development of state-tribal relations.

Provide legal advice to the Alaska Board of Fisheries and to the Alaska Board of Game and defend their conservation and allocation decisions against legal challenges.

Provide legal advice to the Alaska Commercial Fisheries Entry Commission and defend the commission's decisions concerning the issuance of limited entry permits for participating in certain state fisheries.

Provide legal advice to the Alaska Department of Fish and Game to ensure that its management of commercial, sport, personal use, and subsistence fisheries and its management of sport and subsistence hunts comply with the law. Advise the department in its efforts to enhance fishery and game populations, interact with private fish hatcheries, and operate state fish hatcheries. Pursue legal action to prevent, mitigate, or eliminate harmful impacts on fish habitat.

Provide legal advice to the Division of Governmental Coordination and to the Coastal Policy Council to ensure that coastal zone coordination is conducted in a lawful manner. Defend against legal challenges to state actions implementing the Alaska Coastal Management Program.

Assist the Alaska Department of Natural Resources to negotiate and draft state timberland leases. Help the department resolve legal issues concerning ownership and management of uplands, tidelands, and submerged lands.

Advise state agencies on riparian rights and represent the state in legal actions concerning transfer, leasing, and other uses of state lands. Assist the agencies on matters regarding public access to Alaska and federal lands.

Advise and assist the Alaska Department of Natural Resources to manage mining claims on state lands and restrict or eliminate surface uses that conflict with those claims.

Pursue legal actions that will prevent or eliminate trespass on, destruction of, or damage to state lands, waters, timber, and other natural resources.

Help wildlife protection officers, other law enforcement officers, and Assistant District Attorneys investigate and prosecute crimes against the state's natural resources including, when appropriate, acting as prosecutors in criminal cases. Pursue legal actions for the forfeiture of vessels and other property used in violating state natural resource laws.

Advise state agencies on issues relating to mental health trust lands and Native allotments and represent the state in legal actions involving those lands.

Advise natural resource agencies on legal issues arising under state laws that govern procurement, ethics, open meetings, and public records.

Key Component Issues for FY2002 – 2003

Natural Resources' FY 2001 budget sustained a reduction of \$134,000. As a result we are holding an attorney position in this section vacant. Loss of this position further curtails the ability to provide advice and representation to the Department of Fish and Game and the Department of Natural Resources. The ability to advise the agencies on issues ranging from commercial and sport fishing, hunting, and aquatic farming to municipal entitlements, state land disposals and state park management, among others, is diminished as a result.

Major Component Accomplishments in 2001

- Successfully represented ADF&G employees against a lawsuit alleging that they violated anti-racketeering statutes.
- In several appeals before the supreme and superior courts, successfully defended CFEC's denial of requests for issuance of limited entry permits.
- In an appeal to the superior court, successfully defended ADF&G's denial of applications for aquatic farm permits to culture geoducks.
- Filed an action to evict squatters on state lands and negotiated a removal of the squatters and their property.
- Represented CFEC & ADF&G at trial dealing with budget backup for the state's nonresident commercial fishing fees. Worked with the state legislature for passage of a bill revising fee statutes to make them consistent with various constitutional rulings by the courts.
- Advised groups appointed by Governor to develop a consensus approach for amending state constitution and laws to solve the subsistence impasse.
- Successfully defended ADF&G regulations restricting use of airboats and airplanes for certain hunting activities.
- Defended DNR's issuance of water use permits for the North Star project.
- Obtained a favorable ruling on a challenge to the Copper River Bison hunt.
- Assisted the District Attorneys Office with criminal cases involving natural resource issues.
- Defended the criteria for Tier II permits for the Nelchina Caribou hunt.
- Assisted the Mental Health Trust Land Office with numerous land transactions.
- In appeals to the superior court, successfully defended two coastal consistency determinations that supported offshore oil exploration and development projects.

Statutory and Regulatory Authority

AS 44.23.020

Natural Resources

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	929.7	1,157.0	1,213.2
72000 Travel	15.7	23.7	23.7
73000 Contractual	132.3	57.1	57.1
74000 Supplies	15.5	30.2	30.2
75000 Equipment	12.1	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	1,105.3	1,268.0	1,324.2
Funding Sources:			
1004 General Fund Receipts	929.6	960.4	995.5
1007 Inter-Agency Receipts	169.0	307.6	328.7
1053 Investment Loss Trust Fund	4.9	0.0	0.0
1108 Statutory Designated Program Receipts	1.8	0.0	0.0
Funding Totals	1,105.3	1,268.0	1,324.2

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
None.		0.0	0.0	0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0	0.0	0.0
Restricted Revenues						
Interagency Receipts	51015	169.0	307.6	307.6	328.7	328.7
Statutory Designated Program Receipts	51063	1.8	0.0	0.0	0.0	0.0
Investment Loss Trust Fund	51393	4.9	0.0	0.0	0.0	0.0
Restricted Total		175.7	307.6	307.6	328.7	328.7
Total Estimated Revenues		175.7	307.6	307.6	328.7	328.7

Natural Resources

Proposed Changes in Levels of Service for FY2003

No service changes.

Summary of Component Budget Changes

From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	960.4	0.0	307.6	1,268.0
Adjustments which will continue current level of service:				
-Adjust vacancy by fund source between line items and components ADN# 0320124	0.0	0.0	7.9	7.9
-Year 3 Labor Costs - Net Change from FY2002	22.4	0.0	6.0	28.4
Proposed budget increases:				
-Legal Secretary Reclassification	12.7	0.0	7.2	19.9
FY2003 Governor	995.5	0.0	328.7	1,324.2

Natural Resources

Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	16	14	Annual Salaries	954,934
Part-time	1	1	COLA	30,962
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	265,946
			<i>Less 3.09% Vacancy Factor</i>	(38,642)
			Lump Sum Premium Pay	0
Totals	17	15	Total Personal Services	1,213,200

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Attorney III	2	0	1	0	3
Attorney IV	3	0	1	0	4
Attorney V	1	1	1	0	3
Law Office Assistant I	2	0	2	0	4
Law Office Assistant II	1	0	0	0	1
Totals	9	1	5	0	15

Component: Oil, Gas and Mining

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Component Mission

Mission statement appears at the department summary and BRU levels.

Component Services Provided

The Oil, Gas, and Mining section is responsible for in-house Department of Law services in oil, gas, and mining-related disputes:

- legal representation to state agencies for the investigation, defense, and prosecution of claims concerning the state's oil and gas royalty and taxation programs, including paralegal services, data collection and processing to support the litigation effort;
- monitoring and protesting tariffs charged for transportation of oil and gas production through pipelines; and
- legal advice to state agencies concerning the development of state oil, gas, and mineral resources

Department attorneys must frequently rely on economists, engineers, and other experts to assist in the development of these highly technical oil and gas cases. Moreover, due to the complexity, length, and magnitude of major tax, royalty, tariff, and antitrust cases, outside counsel is sometimes used to help litigate these disputes. Contracts for these outside services are funded directly from the Oil and Gas Litigation and Legal Services BRU, and managed by department staff funded within the Oil, Gas, and Mining component.

The Oil, Gas, and Mining component is funded by intra-agency receipts from the Oil and Gas Litigation and Legal Services BRU, and is shown as a separate component to clearly identify Department of Law's contribution to the state's oil and gas litigation activities.

As discussed in more detail in the Oil and Gas Litigation and Legal Services BRU Issues section, the state has been improving its in-house auditing and litigation capabilities. This has resulted in a shift of more and more cases being handled primarily, if not completely, in-house rather than by more expensive outside counsel.

The services provided under this component are described in the Oil and Gas Litigation and Legal Services BRU, except for Mining and Ethics services, which are described below.

MINING

The section also undertakes representation of the Department of Natural Resources, Division of Mining, in all legal matters. However, the mining work is not funded by the intra-agency receipts from the Oil and Gas Litigation and Legal Services BRU; it is funded instead with general funds as part of our natural resources efforts. The matters include ongoing litigation regarding mineral royalties, mining rights, and rights regarding surface occupancy of mining claims. Department attorneys also assist the division in complying with federal statutes regulating surface mining, including legal review for the use of reclamation funds, and drafting agreement with operators to insure compliance with state and federal reclamation requirements. The department also advises and assists the Department of Natural Resources' Division of Mining in drafting bonding agreements, permits, leases, best interest findings, proposed legislation, and regulations.

ETHICS

Administration of the Executive Branch Ethics Act is also provided by the section. As with mining legal matters, ethics-related work is not funded by the Oil and Gas Litigation and Legal Services BRU. When possible, such services are billed to the client agency involved, or funded with the Department of Law's general funds. The ethics attorney in the section provides advice and training to executive branch agencies and boards and commissions on the Act; advises former employees on their responsibilities under the act; investigates ethics complaints; works with designated supervisors to resolve complaints; if necessary, prosecutes ethics violations before the Personnel Board; and handles

any appeals of board decisions.

Component Goals and Strategies

The goals and strategies related to oil and gas services are described in the Oil and Gas litigation and Legal Services BRU.

The mining attorney's goal is to insure compliance with state mining statutes and regulations.

The goal of the ethics attorney is to advise and educate executive branch agencies and employees on the Executive Branch Ethics Act.

The goal of the ethics attorney is to investigate alleged violations of the Executive Branch Ethics Act and initiate enforcement action in appropriate cases.

Key Component Issues for FY2002 – 2003

The key issues under this component are described in the Oil and Gas Litigation and Legal Services BRU.

Major Component Accomplishments in 2001

The major accomplishments under this component are described in the Oil and Gas Litigation and Legal Services BRU.

Statutory and Regulatory Authority

AS 44.23.020

Oil, Gas and Mining

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	2,011.0	2,291.8	2,343.0
72000 Travel	59.5	90.5	90.5
73000 Contractual	494.8	431.4	431.4
74000 Supplies	51.8	54.2	54.2
75000 Equipment	67.7	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	2,684.8	2,867.9	2,919.1
Funding Sources:			
1007 Inter-Agency Receipts	2,684.8	2,867.9	2,919.1
Funding Totals	2,684.8	2,867.9	2,919.1

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
Unrestricted Fund	68515	0.3	0.0	0.0	0.0	0.0
Unrestricted Total		0.3	0.0	0.0	0.0	0.0
Restricted Revenues						
Interagency Receipts	51015	2,684.8	2,867.9	2,867.9	2,919.1	2,919.1
Restricted Total		2,684.8	2,867.9	2,867.9	2,919.1	2,919.1
Total Estimated Revenues		2,685.1	2,867.9	2,867.9	2,919.1	2,919.1

Oil, Gas and Mining

Proposed Changes in Levels of Service for FY2003

None.

Summary of Component Budget Changes

From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	0.0	0.0	2,867.9	2,867.9
Adjustments which will continue current level of service:				
-Adjust vacancy by fund source between line items and components ADN# 0320124	0.0	0.0	-11.9	-11.9
-Year 3 Labor Costs - Net Change from FY2002	0.0	0.0	52.8	52.8
Proposed budget increases:				
-Legal Secretary Reclassification	0.0	0.0	10.3	10.3
FY2003 Governor	0.0	0.0	2,919.1	2,919.1

Oil, Gas and Mining

Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	32	32	Annual Salaries	1,875,445
Part-time	0	0	COLA	56,904
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	544,828
			<i>Less 5.42% Vacancy Factor</i>	(134,200)
			Lump Sum Premium Pay	0
Totals	32	32	Total Personal Services	2,342,977

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Accounting Clerk II	0	0	1	0	1
Analyst/Programmer IV	1	0	0	0	1
Assoc Attorney II	2	0	0	0	2
Attorney IV	7	0	2	0	9
Attorney V	2	0	2	0	4
Data Processing Mgr I	0	0	1	0	1
Data Processing Tech I	1	0	0	0	1
Law Office Assistant I	2	0	1	0	3
Law Office Assistant II	1	0	1	0	2
Paralegal I	1	0	0	0	1
Paralegal II	2	0	2	0	4
Procurement Spec II	0	0	1	0	1
Secretary	0	0	1	0	1
Spec Asst To The Comm II	0	0	1	0	1
Totals	19	0	13	0	32

Component: Special Litigation

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Component Mission

Mission statement appears at the department summary and BRU levels.

Component Services Provided

Defend litigation involving tort claims against the state and state employees, maritime personal injury claims, and civil rights claims under 42 U.S.C. § 1983, such as wrongful death suits against DOT&PF for vehicle accidents on state roads, claims of injury occurring at state facilities, medical malpractice claims brought by inmates, maritime personal injury claims against the Alaska Marine Highway System raised by ferry employees and passengers, claims of negligence in handling of children's abuse or neglect cases, cases against the state for actions of third parties in state custody (e.g., probationers, foster children), and other claims of injury caused directly by state officials (e.g., troopers, drivers of state vehicles, etc.).

Defend controverted workers' compensation claims in which the state is the employer.

Provide legal services to the Division of Risk Management and, through it, to all state agencies.

Defend the court system and judges in personal injury lawsuits.

Defend workers' compensation cases before the Alaska Workers' Compensation Board and at the appellate level.

Provide oral advice to state adjusters and state agencies on workers' compensation issues.

Provide oral advice to state agencies on risk management/liability issues.

Provide instructors on liability issues, e.g., trooper and correctional academies.

Supervise work of and manage contracts in tort and workers' compensation matters with outside counsel retained by the Division of Risk Management or the Department of Law.

Component Goals and Strategies

Provide legal defense in tort litigation cases filed against the state, state agencies, and state employees, including personal injury, property damage, and civil rights suits brought under 42 U.S.C. § 1983.

Provide legal defense in contested workers' compensation claims filed by state employees.

Litigate cases to favorable resolution, up to and including trial and appeal - or appropriate settlement.

Provide oral advice and training to reduce the state's liability exposure.

Reduce defense costs by maximizing the number of cases handled by departmental staff rather than outside, private counsel.

Successfully and thoroughly defend tort litigation against the state, and do so at a fraction of the cost that private counsel would charge to do the job.

Provide reliable in-house expertise to the gamut of state agencies, developed from years of experience in doing public sector tort litigation.

Key Component Issues for FY2002 – 2003

No key issues.

Major Component Accomplishments in 2001

During fiscal Year 2001, the Special Litigation Section litigated many cases at the trial court level, as well as handled workers' compensation matters at the administrative hearing level and a number of appeals before the Alaska Supreme Court.

Appellate Work by the Section of Particular Note:

- The Alaska Supreme Court affirmed a summary judgment in the state's favor in Alpine Industries v. State, which dealt with the issuance of a public health bulletin by the Division of Public Health. The court found no basis for a defamation cause of action against a public health official.
- Briefing and oral argument occurred in the Alaska Supreme Court appeal of another summary judgment in the state's favor in Lexington Insurance v. State. The plaintiffs, insurers of the Denali Princess Hotel, claimed that the fire marshal was responsible for a fire that destroyed the hotel in 1996 because of various alleged failures during the building plan review process in the 1980's. The trial court found otherwise, and plaintiffs appealed. A decision is pending.
- Briefing was completed in the Alaska Supreme Court appeal challenging the 1997 Tort Reform legislation in the case of Evans v. State. Plaintiffs appealed the summary judgment granted to the state at the trial court level. The section is co-counseling the case with outside counsel. Oral argument occurred in April 2001, and a decision is pending.
- The section completed briefing in another Supreme Court appeal, arising from a wrongful death lawsuit alleging negligent search and rescue by the Alaska State Troopers on the Denali Highway (Kiokun v. State). The case was tried to a Bethel jury in 1999, which allocated 51 percent of the fault to the troopers and 49 percent to the decedents. Both sides have appealed various issues in the case. Oral argument will occur in FY 2002.
- An appeal was filed in the Alaska Supreme Court from the dismissal of a defamation action brought against some legislators and a legislative employee (Whalen v. Hanley). The plaintiffs claimed that comments made at a legislative hearing about a cost-of-living differential (COLD) dispute defamed them, but the trial court found legislative immunity foreclosed their lawsuit. Two of the original six plaintiffs appealed and briefing is ongoing.
- A federal civil rights action against a prosecutor, public defenders, and two district court judges concluded in summary judgment in the defendants' favor, and plaintiff appealed to the Ninth Circuit Court of Appeals (Bijan v. Schindler). The case arose out of a criminal non-support prosecution by the criminal division's Office of Special Prosecutions and Appeals, following the civil division's successful defense of a suit brought against the Child Support Enforcement Division. Briefing in the Ninth Circuit was completed.
- During this period, the section has additionally briefed several other Supreme Court appeals as well as two workers' compensation appeals in the Alaska Supreme Court and four superior court appeals in workers' compensation cases.

Additional dispositive motions of particular note won at the trial court:

In a significant number of cases the section either won complete or partial dismissal of lawsuits through summary judgment on the important issues listed below:

- The state does not owe an actionable duty to use studded tires on state vehicles.
- The Alaska Board of Marine Pilots was found not liable for its licensing actions of a marine pilot who was onboard during a grounding of the Star Princess.
- In a personal injury lawsuit arising from an incident in which an ATV operator struck a steel cable strung across a gravel haul road, claims against the State were dismissed by the Court and then by plaintiffs concerning whether the state retained an easement for the gravel haul road.

- The State is not liable in tort to a plaintiff for negligent good time accounting or for negligent inmate discipline while the plaintiff's assailant was incarcerated prior to his release.
- The superior court upheld the constitutionality of the statute entitling the state to recover 50% of a punitive damage award.

Trials:

- Three cases went to trial during FY 2001, all resulting in verdicts favorable to the state.
- In a civil rights action filed in United States District Court, Jordan v. Decker, the jury rejected claims that an Alaska State Trooper interfered with a non-custodial parent's efforts to fly his children from Kalskag to Anchorage. At the time of the underlying events, the non-custodial parent was under indictment for assaulting his wife in the presence of the children. In state superior court four individual Department of Corrections employees, including the commissioner were exonerated, concerning allegations of medical malpractice and civil rights violations. In another trial in Anchorage superior court in February 2001, (Linscott v. Frank), a teenager injured when he crossed the Glenn Highway in Palmer against a traffic light claimed that the state was negligent in maintaining the traffic signal. The jury concluded that the plaintiff's injuries were not caused by any acts of the state.
- The section also handled approximately 15 workers' compensation hearings involving state employee claims before the Alaska Workers' Compensation Board.

Statutory and Regulatory Authority

AS 44.23.020

Special Litigation

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	1,801.3	1,967.6	2,034.5
72000 Travel	55.5	28.5	28.5
73000 Contractual	407.4	326.3	319.3
74000 Supplies	30.2	38.9	38.9
75000 Equipment	23.4	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	2,317.8	2,361.3	2,421.2
Funding Sources:			
1003 General Fund Match	0.0	0.0	2.7
1004 General Fund Receipts	66.4	7.0	0.0
1007 Inter-Agency Receipts	2,251.4	2,354.3	2,418.5
Funding Totals	2,317.8	2,361.3	2,421.2

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
Unrestricted Fund	68515	0.7	0.0	0.0	0.0	0.0
Unrestricted Total		0.7	0.0	0.0	0.0	0.0
Restricted Revenues						
Interagency Receipts	51015	2,251.4	2,354.3	2,354.3	2,418.5	2,418.5
Restricted Total		2,251.4	2,354.3	2,354.3	2,418.5	2,418.5
Total Estimated Revenues		2,252.1	2,354.3	2,354.3	2,418.5	2,418.5

Special Litigation

Proposed Changes in Levels of Service for FY2003

None.

Summary of Component Budget Changes

From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	7.0	0.0	2,354.3	2,361.3
Adjustments which will continue current level of service:				
-Year 3 Labor Costs - Net Change from FY2002	2.7	0.0	43.2	45.9
-Reduce funding for Tort Reform SLA 01 Ch3 Sec8(a) Pg31 L8	-7.0	0.0	0.0	-7.0
Proposed budget increases:				
-Legal Secretary Reclassification	0.0	0.0	21.0	21.0
FY2003 Governor	2.7	0.0	2,418.5	2,421.2

Special Litigation

Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	26	26	Annual Salaries	1,597,864
Part-time	0	1	COLA	48,946
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	455,175
			<i>Less 3.21% Vacancy Factor</i>	(67,500)
			Lump Sum Premium Pay	0
Totals	26	27	Total Personal Services	2,034,485

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Assoc Attorney I	1	0	0	0	1
Attorney III	1	0	0	0	1
Attorney IV	7	2	1	0	10
Attorney V	2	0	0	0	2
Attorney VI	0	0	1	0	1
Law Office Assistant I	3	1	1	0	5
Law Office Assistant II	1	1	0	0	2
Paralegal II	3	1	1	0	5
Totals	18	5	4	0	27

Component: Transportation Section

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Component Mission

Mission statement appears at the department summary and BRU levels.

Component Services Provided

The Transportation section provides legal representation and advice to DOT/PF on all aspects of the construction and operation of the state's public facilities, including buildings, highways, ferries, airports, harbors, communications facilities, and other public works. By providing advice and representation to the department on these issues, the Transportation section enhances the department's ability to efficiently provide the public infrastructure necessary for the safety and well being of all Alaskans.

Component Goals and Strategies

Provide legal advice to and representation for the Department of Transportation and Public Facilities (DOT/PF) on the myriad issues that it faces.

Provide representation and legal advice to DOT/PF, including the boards and commissions.

Assist DOT/PF in negotiating procurement contracts for equipment, services, construction, real estate, and other necessities on behalf of the department.

Defend DOT/PF procurement decisions and practices.

Assist with and defend the procurement decisions and practices of agencies that have received delegations of procurement authority from the commissioner of DOTPF.

Prepare legislation, regulations, and legal actions necessary to fulfill the goals of DOTPF.

Initiate and prosecute civil actions necessary to protect public access to state and private lands and to navigable waters throughout Alaska.

Initiate and prosecute civil actions necessary to protect public transportation facilities and corridors both within and beyond state borders.

Prosecute civil actions against unlawful users of state lands and facilities.

Key Component Issues for FY2002 – 2003

Continue level of service provided in previous fiscal year.

Major Component Accomplishments in 2001

Contract Claims:

- Assisted Alaska Marine Highway System in responding before a hearing officer to \$46 million additional compensation claim for construction of the M/V Kennicott. (The claim settled November 2, 2001, for \$500,000 from a bonding company and only \$500,000 from the state.)

- Obtained favorable superior court decisions to award approximately just 50% of claim arising from termination of contract to renovate Chena Hot Springs Road and adopting DOT&PF's legal position relating to interest on claim.
- Successfully settled Seward Highway construction contract claim for less than half of \$5 million claim.
- Assisted with the evaluation and arbitration of claim for additional compensation related to Kiana Runway project.
- Assisted with the resolution of a dispute over revegetation of Native corporation land disturbed in connection with airport construction in Tuntutuliak.
- Assisted in the settlement of litigation brought by property owners along the Chena Hot Springs Road relating to the reconstruction of their driveways.

Eminent Domain Actions:

- Secured right-of-way by condemnation for road improvements, defeating \$1.5 million claim for additional compensation before a Ketchikan jury.
- Defended inverse condemnation claims that DOT/PF's actions took interests in private property, including arguing to the Alaska Supreme Court that a taking does not occur when property values decrease allegedly as a result of the State's planning activities.

Defense of State Right-of-Way:

- Argued successfully before Alaska Supreme Court to establish that a local platting agency has no authority to vacate state right-of-way. (Decision issued November 2, 2001)
- Obtained access to install structural supports for Parks Highway in ongoing civil action against international mining companies that excavated support for right-of-way, causing highway to subside.
- Established DOT/PF's authority over right-of-way, and lack of jurisdiction of U.S. Interior Board of Land Appeals (IBLA) in action before IBLA.
- Obtained federal court decision establishing that notice of a claim under the Quiet Title Act is not jurisdictional when DOT/PF seeks judicial review of an IBLA decision in federal court.
- Obtained federal court decision establishing jurisdiction of court to hear state's claim that Native allotment encroached on highway.
- Resolved forty-year-old native allotment claim at Nondalton Airport.
- Obtained favorable IBLA decision affirming validity of Tok Cutoff Highway right-of-way grant.
- Obtained favorable federal district court decision affirming DOT/PF's rights to Parks Highway right of way.
- Obtained federal court decision establishing that notice of a claim under the Quiet Title Act is not jurisdictional when DOT/PF seeks judicial review of an IBLA decision in federal court.
- Obtained federal court decision establishing jurisdiction of court to hear state's claim that Native allotment encroached on highway.
- Resolved forty-year-old native allotment claim at Nondalton Airport.
- Obtained favorable IBLA decision affirming validity of Tok Cutoff Highway right-of-way grant.
- Obtained favorable federal district court decision affirming DOT/PF's rights to Parks Highway right of way.

Environmental:

- Represented Ted Stevens Anchorage International Airport in resolving \$1 million claim against Anchorage Fueling and Service Company for amounts expended cleaning up contamination related to jet fuel distribution system; established framework for allocating at least \$2.5 million in anticipated future expenses.
- Resolved U.S. Environmental Protection Agency enforcement action arising out of highway contractor's disposal of excess dirt on bluff in Homer.

Miscellaneous:

- Assisted Ted Stevens Anchorage International Airport in filings before U.S. Department of Transportation resulting in the award of sixteen new weekly cargo landings in Anchorage serving China.
- Successfully assisted with structuring and closing innovative AIDEA financing and lease arrangement, transferring title to new Williams Lynx CargoPort facility to Ted Stevens Anchorage International Airport.
- Consummated sale of Alaska Court System land along Chena River to Fairbanks North Star Borough.
- The State obtained a judgment in superior court that a state court had no jurisdiction to consider a claim by the owner of a Native allotment that the Parks Highway trespassed on her Native allotment. This judgment was defended by the State in an appeal before the Alaska Supreme Court.

Statutory and Regulatory Authority

AS 44.23.020

Transportation Section

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	1,299.7	1,583.5	1,661.5
72000 Travel	23.6	20.4	20.4
73000 Contractual	663.5	428.7	428.7
74000 Supplies	22.7	33.2	33.2
75000 Equipment	16.9	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	2,026.4	2,065.8	2,143.8
Funding Sources:			
1004 General Fund Receipts	0.0	0.0	1.6
1007 Inter-Agency Receipts	2,026.4	2,065.8	2,142.2
Funding Totals	2,026.4	2,065.8	2,143.8

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
<u>Unrestricted Revenues</u>						
None.		0.0	0.0	0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0	0.0	0.0
<u>Restricted Revenues</u>						
Interagency Receipts	51015	2,026.4	2,065.8	2,495.8	2,142.2	2,242.2
Restricted Total		2,026.4	2,065.8	2,495.8	2,142.2	2,242.2
Total Estimated Revenues		2,026.4	2,065.8	2,495.8	2,142.2	2,242.2

Transportation Section
Proposed Changes in Levels of Service for FY2003

None.

Summary of Component Budget Changes
From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	0.0	0.0	2,065.8	2,065.8
Adjustments which will continue current level of service:				
-Adjust vacancy by fund source between line items and components ADN# 0320124	0.0	0.0	24.0	24.0
-Year 3 Labor Costs - Net Change from FY2002	1.6	0.0	36.8	38.4
Proposed budget increases:				
-Legal Secretary Reclassification	0.0	0.0	15.6	15.6
FY2003 Governor	1.6	0.0	2,142.2	2,143.8

Transportation Section
Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	18	19	Annual Salaries	1,327,799
Part-time	1	1	COLA	42,459
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	357,617
			<i>Less 3.84% Vacancy Factor</i>	(66,375)
			Lump Sum Premium Pay	0
Totals	19	20	Total Personal Services	1,661,500

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Attorney III	0	0	1	0	1
Attorney IV	4	2	0	0	6
Attorney V	2	2	2	0	6
Law Office Assistant I	2	2	0	0	4
Law Office Assistant II	1	0	1	0	2
Paralegal II	1	0	0	0	1
Totals	10	6	4	0	20

Component: Timekeeping and Support

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Component Mission

Component Services Provided

Timekeeping and Support is comprised of those positions in the Civil Division support pool that provide office wide administrative support -- rather than section-specific -- in the Anchorage, Fairbanks and Juneau Civil Division offices. The component combines the following functions:

Law Office Management: This component includes those positions in the Anchorage, Fairbanks, and Juneau offices that perform business functions necessary to the operations of the state's largest law office. These functions include directly supervising legal and clerical support staff, processing some personnel transaction forms, coding and processing invoices for payment, reviewing time and attendance records, maintaining law libraries, processing mail, procuring office supplies, performing receptionist duties, and generally ensuring that all employees have the necessary tools and equipment to carry out their work.

Case Management: Two positions in the Civil Division are responsible for the ongoing establishment, maintenance, and control of case/work management records. The case management system tracks all cases, by type, location, fiscal year, and attorney from opening through closing. In addition, case management maintains the department's indices of opinions, briefs and memoranda of law for the brief bank and handles records center transfers and retrievals.

Timekeeping and Billing: As allowed under OMB Circular A-87, all Civil Division attorneys and paraprofessionals maintain detailed time records in the department's timekeeping and billing system. Work is billed out to all clients (including the Department of Law's own general funds) on an hourly basis. Timekeeping and Billing is responsible for gathering complete and accurate timekeeping data, preparing and submitting billings to client agencies, and maintaining complete and accurate accounting information related to the many reimbursable services agreements Law must enter into in the service of client agencies.

Component Goals and Strategies

No goals and strategies.

Key Component Issues for FY2002 – 2003

See key issues of the Administrative Services Division

Major Component Accomplishments in 2001

See Accomplishments of the Administrative Services Division

Statutory and Regulatory Authority

AS 44.23.020

Timekeeping and Support

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	523.7	612.4	647.1
72000 Travel	0.0	1.3	1.3
73000 Contractual	15.3	94.3	93.7
74000 Supplies	2.1	27.1	27.1
75000 Equipment	1.6	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	542.7	735.1	769.2
Funding Sources:			
1004 General Fund Receipts	0.0	15.9	15.9
1007 Inter-Agency Receipts	542.7	719.2	753.3
Funding Totals	542.7	735.1	769.2

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
<u>Unrestricted Revenues</u>						
None.		0.0	0.0	0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0	0.0	0.0
<u>Restricted Revenues</u>						
Interagency Receipts	51015	542.7	719.2	719.2	753.3	753.3
Restricted Total		542.7	719.2	719.2	753.3	753.3
Total Estimated Revenues		542.7	719.2	719.2	753.3	753.3

Timekeeping and Support
Proposed Changes in Levels of Service for FY2003

None.

Summary of Component Budget Changes
From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	15.9	0.0	719.2	735.1
Adjustments which will continue current level of service:				
-Adjust vacancy by fund source between line items and components ADN# 0320124	0.0	0.0	-0.1	-0.1
-Year 3 Labor Costs - Net Change from FY2002	0.0	0.0	14.9	14.9
Proposed budget increases:				
-Legal Secretary Reclassification	0.0	0.0	19.3	19.3
FY2003 Governor	15.9	0.0	753.3	769.2

Timekeeping and Support

Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	14	14	Annual Salaries	470,106
Part-time	0	0	COLA	11,841
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	187,807
			<i>Less 3.38% Vacancy Factor</i>	(22,607)
			Lump Sum Premium Pay	0
Totals	14	14	Total Personal Services	647,147

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Accounting Tech I	0	0	1	0	1
Accounting Tech II	0	0	1	0	1
Accounting Tech III	0	0	1	0	1
Administrative Assistant	1	0	0	0	1
Administrative Clerk I	1	1	1	0	3
Administrative Clerk II	2	0	1	0	3
Law Office Manager I	0	1	1	0	2
Law Office Manager II	1	0	0	0	1
Personnel Asst I	0	0	1	0	1
Totals	5	2	7	0	14

BRU/Component: Statehood Defense

(There is only one component in this BRU. To reduce duplicate information, we did not print a separate BRU section.)

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Component Mission

Mission statement appears at the department summary level.

Component Services Provided

ENDANGERED SPECIES ACT CASES: These cases involve the efforts of the National Marine Fisheries Service to protect Columbia River fall chinook salmon, listed as endangered under the Endangered Species Act, by restricting chinook salmon harvest in Alaska. The state considers the restriction unreasonable because it will have an insignificant effect on the salmon population, which has been decimated by the dams on the river system.

The state closely follows federal regulations intended to protect the western stock of Steller sea lions, which has been listed as endangered. The National Marine Fisheries Service has imposed dramatic restrictions on fishing in federal waters, especially near-shore areas most accessible to fleets based in coastal Alaska towns and villages, although there is no scientific agreement that such restrictions are likely to have any affect on the sea lion population. The state follows the federal regulations to protect coastal fisheries and the state's authority to manage fisheries that occur in state waters.

SUBMERGED LANDS CASES: The State of Alaska took title to all the lands underlying navigable waters within its borders at statehood; under the Equal Footing Doctrine, such lands pass to new states automatically, as a matter of constitutional right. However, in response to the United States' reluctance to recognize the state's title, Alaska has been forced to protect its title in several instances.

ACCESS CASES: Because of the patchwork of land ownership in Alaska among the state, the United States, and private landowners, and because of the lack of public infrastructure, access is extremely important to the public. The state recently settled litigation against the United States on an RS2477 right-of-way, the Harrison Creek-Portage Creek Trail, securing a permanent right-of-way. The state is also close to settling an RS 2477 case in Southeast Alaska. Additionally, the state has several other cases where access is a primary issue, and the state periodically reviews proposed federal Public Use Management Plans to comment on public access issues. The state has also filed suit challenging the Forest Service's "Roadless Rule," regulations that prohibit building roads and timber harvests except in very limited circumstances in all roadless areas of National Forests.

ANILCA CHALLENGES: These cases constitute challenges by rural residents based on the priority granted them in Title VIII of the Alaska National Interest Lands Conservation Act for hunting and fishing for subsistence purposes. In addition, the department provides ongoing legal advice to the Department of Fish and Game as it works to implement dual management of subsistence resources, and closely follows the actions of the Federal Subsistence Board.

PROTECTION OF SALMON RESOURCES: The department is fighting to protect Alaska's salmon resources on several fronts. First, we provide legal advice to the Department of Fish and Game in the Pacific Salmon Treaty arena. In this capacity, we work closely with Alaska's treaty negotiators to develop strategy for treaty negotiations and implementation within the United States Section and bilaterally with the Government of Canada. Second, we handle litigation that arises out of the Pacific Salmon Treaty. Finally, we remain in litigation against the Pacific Northwest Indian Tribes in United States v. Washington. In this case, the Tribes seek a ruling that the treaties they entered with the United States in the 1850's entitle them to a share of the salmon caught in Southeast Alaska. The parties have filed a stipulation to stay the case as a result of the 1999 amendments to the Pacific Salmon Treaty recently agreed upon by the United States and Canada.

REVIEW OF FEDERAL LEGISLATIVE, REGULATORY, AND ADMINISTRATIVE PROPOSALS: The department frequently comments on and drafts amendments to bills before Congress on a wide range of resource related topics including amendments to the Alaska Native Claims Settlement Act, the Alaska National Interest Lands Conservation Act, and the Endangered Species Act. The department also assists with state comments on federal proposals such as the Forest Service Roadless Initiative, and designation of new national monuments in Alaska.

Component Goals and Strategies

The Statehood Defense group of the Department of Law litigates issues raised by conflicts between state and federal jurisdiction. The group handles a variety of complex cases that will have a profound and lasting impact on management of Alaska's natural resources. The state frequently must defend against encroachment by the federal government into areas traditionally regulated by the state.

2. To protect Alaska's salmon resources in the Pacific Salmon Treaty.
 - Southern U.S. treaty parties adhere to long-term agreement for the sharing of Chinook salmon.
 - Southern U.S. treaty parties adhere to the Habitat and Restoration Agreement commitment to protect and restore salmon habitat, and ensure adequate water quality and quantity for the safe passage of salmon to and from their natal streams.
3. To participate in the ESA process as it relates to Pacific salmon and litigate when needed to protect Alaska against unreasonable restrictions on harvest levels of salmon listed under the Endangered Species Act, when Alaska's incidental take has little measurable effect on the number of fish returning to spawn.
4. To protect access to state and private lands and on public waters across Alaska.
 - Alaska continues to litigate title to the RS 2477 rights-of-way, including the Harrison Creek-Portage Creek Trail and the Jualin Mine Road..
 - Alaska files suit or otherwise acts to protect access on navigable waters restricted by upland owners.
 - Alaska publishes maps and pamphlets to educate the public about their rights to access public waterways and easements as well as the limits on use of private uplands.
 - Alaskans are able to exercise their rights to access state and private lands through federal lands.
 - Alaska provides information to BLM that convinces it to declare waterways navigable within the survey windows it is completing.
 - Alaska is challenging the Forest Service's Roadless Rule.
5. To litigate to protect the State's title to navigable waters.

Alaska continues its suit in the United States Supreme Court to quiet title to the submerged lands underlying the marine waters of the Tongass National Forest and Glacier Bay National Park.

6. To continue to advise the Department of Fish and Game on federal subsistence issues and to provide regular advice on state interaction with the federal subsistence program
 - The federal subsistence program considers the state's comments on proposed regulations, places conservation first, and does not infringe upon the state's regulatory authority or unnecessarily restrict the use of the state's fish and game by qualified subsistence, sport, or commercial users under state law.
 - Protocols are developed to facilitate dual management by the state and federal programs.
7. To litigate or otherwise protect Alaska's jurisdiction to manage, protect, and use its own resources against challenges by or on behalf of the federal government.
 - Alaska will be free to regulate activities on navigable waters and on state and private lands without interference from the United States.
 - Alaska will work cooperatively as partners with adjacent federal land managers as appropriate.

Key Component Issues for FY2002 – 2003

No key issues.

Major Component Accomplishments in 2001

On Access to state and private lands and on public waters across Alaska:

- Alaska continues to work towards resolution of litigation over its claim of title to the Jualin Mine RS 2477 road, and quieted title to the Harrison Creek-Portage Creek RS 2477 trail.
- Alaska has continued to provide information and develop pamphlets for public distribution educating the public on its rights to access public waterways and easements, as well as the limits on use of private uplands.
- Alaska has educated individual property owners about public rights of access to public waterways.

On litigation to protect the State's title to navigable waters:

- Alaska continued litigation in its an original action in the United States Supreme Court to quiet title to all lands underlying marine waters in Southeast Alaska, including those within Glacier Bay National Park and the Tongass National Forest.

On Protection of Salmon Resources:

- Alaska has provided comments on the draft biological opinion on the operation of the Columbia River Federal Power System and has provided comments to FERC expressing concern over a proposed spill swap plan that permits greater power generation by some northwest hydroelectric plants at the expense of fish passage.
- Alaska continues to act as a cooperating agency in the preparation of an Environmental Impact Statement (EIS) addressing the coastwide salmon fishery.
- The department continued to advise the Department of Fish and Game on federal subsistence issues and to provide regular advice on state interaction with the federal subsistence program.
- The department prepared a Request for Reconsideration on the closure of three sportfisheries in Southeast Alaska which has been accepted, and made contributions to the drafting of the state's comments in support of the successful Request for Reconsideration of the Federal Subsistence Board's decision to designate the entire Kenai Peninsula as rural.
- The department has assisted the Department of Fish and Game in commenting on two major environmental impact statements on federal groundfish fisheries off the Alaska coast, and a biological opinion analyzing the effect of state and federal fisheries on endangered Steller sea lions.
- The department has advised the Department of Fish and Game on the requirements of the federal Marine Mammal Protection Act and the federal Endangered Species Act with respect to commercial fisheries in Alaska.
- The department is in litigation against the United States challenging the Forest Service's Roadless Rule.

Statutory and Regulatory Authority

AS 44.23.020

Statehood Defense

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	574.3	754.3	775.7
72000 Travel	17.8	14.4	14.4
73000 Contractual	313.6	300.3	300.3
74000 Supplies	10.1	26.4	26.4
75000 Equipment	10.5	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	926.3	1,095.4	1,116.8
Funding Sources:			
1004 General Fund Receipts	919.8	1,095.4	1,116.8
1053 Investment Loss Trust Fund	4.7	0.0	0.0
1108 Statutory Designated Program Receipts	1.8	0.0	0.0
Funding Totals	926.3	1,095.4	1,116.8

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
None.		0.0	0.0	0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0	0.0	0.0
Restricted Revenues						
Statutory Designated Program Receipts	51063	1.8	0.0	0.0	0.0	0.0
Investment Loss Trust Fund	51393	4.7	0.0	0.0	0.0	0.0
Restricted Total		6.5	0.0	0.0	0.0	0.0
Total Estimated Revenues		6.5	0.0	0.0	0.0	0.0

Statehood Defense

Proposed Changes in Levels of Service for FY2003

None.

Summary of Component Budget Changes

From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	1,095.4	0.0	0.0	1,095.4
Adjustments which will continue current level of service:				
-Year 3 Labor Costs - Net Change from FY2002	19.1	0.0	0.0	19.1
Proposed budget increases:				
-Legal Secretary Reclassification	2.3	0.0	0.0	2.3
FY2003 Governor	1,116.8	0.0	0.0	1,116.8

Statehood Defense

Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	9	10	Annual Salaries	598,093
Part-time	1	0	COLA	19,595
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	172,668
			<i>Less 1.85% Vacancy Factor</i>	(14,656)
			Lump Sum Premium Pay	0
Totals	10	10	Total Personal Services	775,700

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Assoc Attorney I	1	0	0	0	1
Attorney III	3	0	0	0	3
Attorney IV	2	0	0	0	2
Attorney V	2	0	0	0	2
Law Office Assistant I	1	0	0	0	1
Paralegal II	1	0	0	0	1
Totals	10	0	0	0	10

Oil and Gas Litigation and Legal Services Budget Request Unit

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BRU Mission

Mission statement appears at the department summary level.

BRU Services Provided

Most of the state's operating revenues are derived from oil and gas corporate income taxes, production taxes, and royalties on Alaska North Slope ("ANS") crude oil. The value of that crude for production tax and royalty purposes is largely determined by the price that ANS commands in its destination markets, less the costs of transporting it to those markets. The transportation costs, in turn, consist primarily of the tariffs charged by the Trans-Alaska Pipeline System ("TAPS") and the producers' tanker costs. Accurately determining ANS destination values, allowable transportation costs, and corporate income ensures the integrity of the state's fiscal system.

The Oil and Gas Litigation and Legal Services appropriation funds legal services related to these and other oil and gas development issues. These services include tariff monitoring and disputes with the owners of TAPS and other oil pipelines in Alaska, and the assessment and collection of unpaid royalties and taxes from oil and gas producers. The contracts with outside counsel and expert consultants on large or complex oil and gas cases are also funded by this appropriation, as are the legal services related to lease sales, drafting and interpreting oil and gas statutes and regulations, pipeline right-of-way issues, and oil and gas conservation.

Because legal services related to oil and gas development have a significant effect on that development and the amount of state revenue derived from it, these services are funded separately within the Department of Law's operating budget. This enhances the ability of the governor and the legislature to ensure that an appropriate level of funding is made for these services.

OIL PIPELINE-RELATED CASES

The state has expended substantial resources to monitor compliance with the 1985 TAPS settlement. The department performs this function by reviewing and challenging tariff filings by the owners of the pipelines operating in the state. This vigilance can earn the state millions of dollars annually. As production of oil continues to decline in Alaska, this monitoring is becoming more and more important because transportation costs through TAPS are a major component of total transportation costs to destination markets.

A TAPS shipper protested intrastate tariffs before the Regulatory Commission of Alaska. Intrastate and interstate tariffs are set according to the TAPS Settlement Methodologies (TSM), agreed to in 1985. The state has achieved significant benefits from the TSM, both interstate and intrastate, and is contractually obligated to defend the methodologies. While the state regularly monitors tariffs to ensure that the methodologies are correctly followed, the protest raised in this case challenges some of the bases of the TSM methodology. As a major rate case, the matter requires significant assistance from contract counsel and experts.

The department also will finance an annual audit of Alyeska Pipeline Services Company and the major owner companies to determine if certain operating and capital costs are properly included in the TAPS tariff. Information revealed during the audit forms the basis for future tariff protests. Litigation may result if Alyeska and the owners fail to respond adequately to the state's requests for information.

Another case that has not been resolved involves a dispute among TAPS shippers and the state over the effects on tariffs caused by quality bank adjustments, which are adjustments made to compensate for the different qualities of crude oil and refinery return streams flowing through TAPS. Some of the parties (including the state) have agreed to a settlement but two other parties are opposing the settlement.

Renewal of the TAPS right-of-way lease, which expires in 2004, is a major project that requires significant resources. Alyeska, the federal government, and the state are currently engaged in discussions involving how compliance with existing lease terms will be measured and how a new lease will be negotiated.

GAS PIPELINE-RELATED ISSUES

The department will also provide legal assistance to the Departments of Revenue and Natural Resources, among others, in support of the Alaska North Slope natural gas development project. This is likely to include (1) assisting these departments in crafting proposals for changes to the State's tax and royalty regimes in response to producer requests for greater fiscal certainty; (2) drafting legislative or regulatory language necessary to implement any changes to the State's fiscal regime or other State laws that will improve the viability of the project; and (3) assisting DNR and other agencies with their various permitting responsibilities related to the project.

In addition, after the producers file an application for a certificate of public convenience and necessity with the Federal Energy Regulatory Commission, this department will be responsible for representing the State's interests in the project before that agency. The latest information from the producers suggests that they may be prepared to file their application before the beginning of FY 03. Both in-house and outside counsel will be used in this endeavor.

TAX CASES

This department is pursuing millions of dollars in past-due taxes and interest that are owed by oil and gas producers to the state. In some cases, thousands of documents have to be examined and numerous potential witnesses have to be interviewed or deposed in order to prepare for hearing. These hearings can last for weeks. At this time, one tax case appears headed for a hearing. Nevertheless, the department will be expending far less money on these cases in FY2003 than it has in the not-too-distant past, as a consequence of its successful efforts to resolve most of the state's major disputes with its oil and gas producers.

The department also anticipates that it may litigate several complex property tax cases involving the Trans-Alaska Pipeline and other oil and gas properties during FY2003. These cases will require the advice and testimony of expert witnesses, and may require the assistance of contract counsel.

ROYALTY CASES

Royalty disputes regularly arise between the oil and gas producers and the state. Although the department handles most of these disputes in-house, assistance from outside counsel and experts is sometimes necessary. For example, several of the producers have reopened negotiations over the previously settled Alaska North Slope royalty disputes based on marketplace changes. The department will require assistance from some of the outside attorneys and experts originally involved in the royalty dispute

BRU Goals and Strategies

The BRU's goals and strategies for accomplishing those goals, include:

To ensure the state obtains the full amount of the tax and royalty revenues to which it is entitled from oil and gas development, by assisting the department's client agencies to enforce the state's oil and gas royalty and taxation statutes, and regulations and agreements.

To ensure the state obtains the full amount of the tax and royalty revenues to which it is entitled from oil and gas development, by monitoring interstate and intrastate pipeline transportation expenses that reduce oil and gas valuation, litigating pipeline transportation cost disputes that cannot be resolved, negotiating reasonable pipeline transportation cost settlements, and enforcing pipeline transportation cost agreements in the event of a breach.

To ensure that state lands are developed in a manner that maximizes the value of the state's oil and gas resources to Alaska's citizens, by defending legislative and agency decisions related to that development from legal challenges.

To ensure that state lands are developed in a manner that maximizes the value of the state's oil and gas resources to Alaska's citizens, by providing client agencies with legal advice and other assistance necessary to enable them to carry out their statutory and regulatory responsibilities related to that development.

Key BRU Issues for FY2002 – 2003

Appropriations for Oil and Gas Litigation have steadily declined from \$32.9 million in FY 1994, to \$11.9 million in FY 1997, \$4.9 million in FY 2001, and to \$4.7 million in FY2002.

The amount requested for this BRU over the last few years reflects a sharp reduction in the use of outside counsel and a major shift of responsibility for major oil and gas litigation from outside counsel to staff attorneys. The department attorneys are expected to litigate most tax cases with little or no assistance from outside counsel and consultants. However, the department will continue to require substantial amounts to cover the cost of experts and document handling for these cases.

Although the amounts requested to pursue the state's oil and gas litigation efforts are significant, they will return substantial revenues to the state treasury. The department is careful to ensure that the state's litigation resources are managed to their best advantage. Outside counsel costs are contained by closely supervising their contracts and shifting substantial case responsibility to staff attorneys.

Major BRU Accomplishments in 2001

- The department, with the Departments of Revenue and Natural Resources, collected approximately \$80.5 million (including interest) in back taxes and royalties owed by oil and gas companies.
- The department negotiated a settlement with the Cook Inlet Pipeline Company in which the parties agreed to a methodology for setting pipeline tariff rates for the Cook Inlet Pipeline.
- The department successfully defended at hearing the Department of Revenue's property tax assessment of the Trans Alaska Pipeline of approximately \$3 billion.
- The department successfully defended the Beaufort Sea Areawide lease sale from legal challenges brought by various environmental groups.

Oil and Gas Litigation and Legal Services

BRU Financial Summary by Component

All dollars in thousands

	General Funds	FY2001 Actuals Federal Funds	Other Funds	Total Funds	General Funds	FY2002 Authorized Federal Funds	Other Funds	Total Funds	General Funds	FY2003 Governor Federal Funds	Other Funds	Total Funds
<u>Formula</u>												
<u>Expenditures</u>												
None.												
<u>Non-Formula</u>												
<u>Expenditures</u>												
Oil & Gas	2,894.5	0.0	1,477.0	4,371.5	2,868.1	0.0	1,477.0	4,345.1	2,878.4	0.0	1,477.0	4,355.4
Litigation												
Oil & Gas Legal	417.1	0.0	0.0	417.1	445.7	0.0	0.0	445.7	295.7	0.0	0.0	295.7
Services												
Totals	3,311.6	0.0	1,477.0	4,788.6	3,313.8	0.0	1,477.0	4,790.8	3,174.1	0.0	1,477.0	4,651.1

Oil and Gas Litigation and Legal Services
Proposed Changes in Levels of Service for FY2003

No service changes.

Oil and Gas Litigation and Legal Services
Summary of BRU Budget Changes by Component
From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	3,313.8	0.0	1,477.0	4,790.8
Adjustments which will continue current level of service:				
-Oil & Gas Legal Services	-150.0	0.0	0.0	-150.0
Proposed budget increases:				
-Oil & Gas Litigation	10.3	0.0	0.0	10.3
FY2003 Governor	3,174.1	0.0	1,477.0	4,651.1

Component: Oil & Gas Litigation

Contact: Jan Levy, Assistant Attorney General

Tel: (907) 465-3600 **Fax:** (907) 465-2417 **E-mail:** jan_levy@law.state.ak.us

Component Mission

Mission statement is included at the department summary level.

Component Services Provided

The legislature first identified the Oil and Gas Litigation component of the Oil and Gas Litigation and Legal Services BRU as a separate allocation in FY1999. Prior to that, the services covered by the component were an undifferentiated part of the Oil and Gas Litigation BRU. The component covers services performed by attorneys and staff in the Oil, Gas, and Mining section of the Department of Law, and by contract counsel and expert consultants, that fall within one or more of the following categories:

- A. Cases in court or at the administrative hearing stage (including tax disputes at the informal conference stage).
- B. Advice to agencies in disputes with taxpayers, leaseholders, citizens' groups or other parties, even if the matter has not yet proceeded to court or an administrative hearing.
- C. Assistance to and preparation of agencies in anticipation of possible litigation, including work in anticipation of the filing of a complaint, protest, or appeal.

The services provided under this component are described in the Oil and Gas Litigation and Legal Services BRU.

Component Goals and Strategies

The goals and strategies under this component are described in the Oil and Gas Litigation and Legal Services BRU.

Key Component Issues for FY2002 – 2003

The key issues under this component are described in the Oil and Gas Litigation and Legal Services BRU.

Major Component Accomplishments in 2001

The major accomplishments under this component are described in the Oil and Gas Litigation and Legal Services BRU.

Statutory and Regulatory Authority

AS 44.23.020

Oil & Gas Litigation

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	0.0	0.0	0.0
72000 Travel	0.0	0.0	0.0
73000 Contractual	4,371.5	4,345.1	4,355.4
74000 Supplies	0.0	0.0	0.0
75000 Equipment	0.0	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	4,371.5	4,345.1	4,355.4
Funding Sources:			
1004 General Fund Receipts	2,894.5	2,868.1	2,878.4
1105 Alaska Permanent Fund Corporation Receipts	1,477.0	1,477.0	1,477.0
Funding Totals	4,371.5	4,345.1	4,355.4

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
None.		0.0	0.0	0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0	0.0	0.0
Restricted Revenues						
Permanent Fund Earnings Reserve Account	51373	1,477.0	1,477.0	1,477.0	1,477.0	1,477.0
Restricted Total		1,477.0	1,477.0	1,477.0	1,477.0	1,477.0
Total Estimated Revenues		1,477.0	1,477.0	1,477.0	1,477.0	1,477.0

Oil & Gas Litigation

Proposed Changes in Levels of Service for FY2003

None.

Summary of Component Budget Changes

From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	2,868.1	0.0	1,477.0	4,345.1
Proposed budget increases:				
-Legal Secretary Reclassification	10.3	0.0	0.0	10.3
FY2003 Governor	2,878.4	0.0	1,477.0	4,355.4

Component: Oil & Gas Legal Services

Contact: Jan Levy, Assistant Attorney General

Tel: (907) 465-3600 **Fax:** (907) 465-2417 **E-mail:** jan_levy@law.state.ak.us

Component Mission

Mission statement appears at the department summary and BRU level.

Component Services Provided

The legislature first identified the Oil and Gas Legal Services component of the Oil and Gas Litigation and Legal Services BRU as a separate allocation in FY 1999. Prior to that, the services covered by the component were an undifferentiated part of the Oil and Gas Litigation BRU. The component covers services performed by attorneys and staff in the Oil, Gas, and Mining section of the Department of Law that fall within one or more of the following categories:

- A. General advice to agencies on matters in which no litigation is anticipated.
- B. Assistance to agencies in drafting, editing, or reviewing legislation or regulations in a non-litigation context.
- C. Assistance to agencies in negotiating unit agreements or other contracts.

These activities conserve state revenues by clarifying processes and policies to avoid later disputes, which may result in litigation. As discussed in the Oil and Gas Litigation and Legal Services BRU Issues section, the state has been improving its in-house auditing and litigation capabilities.

The services provided under this component are described in more detail in the Oil and Gas Litigation and Legal Services BRU.

Component Goals and Strategies

The goals and strategies under this component are described in the Oil and Gas Litigation and Legal Services BRU.

Key Component Issues for FY2002 – 2003

The key issues under this component are described in the Oil and Gas Litigation and Legal Services BRU.

Major Component Accomplishments in 2001

The major accomplishments under this component are described in the Oil and Gas Litigation and Legal Services BRU.

Statutory and Regulatory Authority

AS 44.23.020

Oil & Gas Legal Services

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	0.0	0.0	0.0
72000 Travel	0.0	0.0	0.0
73000 Contractual	417.1	445.7	295.7
74000 Supplies	0.0	0.0	0.0
75000 Equipment	0.0	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	417.1	445.7	295.7
Funding Sources:			
1004 General Fund Receipts	417.1	445.7	295.7
Funding Totals	417.1	445.7	295.7

Oil & Gas Legal Services

Proposed Changes in Levels of Service for FY2003

None.

Summary of Component Budget Changes

From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	445.7	0.0	0.0	445.7
Adjustments which will continue current level of service:				
-Reduce funding for Gasline Legal Services Sec 8(b) CH 3 SLA 01 P 3 L 21 (HB 117)	-150.0	0.0	0.0	-150.0
FY2003 Governor	295.7	0.0	0.0	295.7

Administration and Support Budget Request Unit

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BRU Mission

Mission statement appears at the department summary level.

BRU Services Provided

The Administration and Support BRU includes the Office of the Attorney General and the Administrative Services Division.

The Office of the Attorney General provides overall management of the Department of Law. The Attorney General, as the principal executive officer of the department, is responsible for both the legal and the administrative aspects of the department's operations. The Office of the Attorney General provides leadership, support, and oversight of department operations that make it possible for the department to provide legal services to state agencies, to ensure that the civil and criminal laws of the state are followed, to defend the state in legal actions, and to implement the Executive Branch Ethics Act. In addition, the Office of the Attorney General is involved in a variety of interdepartmental efforts to improve government service to Alaskans and provides staff support for several interdepartmental and public/private groups focused on specific issues facing the state.

The Administrative Services Division provides the core administrative services that are essential to the day-to-day operation of the Department of Law and to managing the resources of the department. These include budgeting, personnel and payroll, procurement, accounting, computer and network services, data processing, timekeeping and billing, and monitoring and forecasting departmental expenses.

BRU Goals and Strategies

Goals and strategies are included at the department level.

Key BRU Issues for FY2002 – 2003

See Key Issues at the Department Level. Key Issues for the Administrative Services Division are at the component level.

Major BRU Accomplishments in 2001

Major accomplishments are included at the department level and at the Administrative Services component level.

Key Performance Measures for FY2003

Measure:

The legislature intends to measure the success of the office in achieving its mission by considering the cost of legal services rendered on behalf of each state agency

Sec 97 (b) (1) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

Civil Division

Office of the Governor	652.3
Court System	25.3
Legislature	0.8
University of Alaska	0.1

Department of Administration	2,891.0
Department of Community and Economic Development	1,572.4
Department of Corrections	69.9
Department of Education (Including Postsecondary Education)	545.6
Department of Environmental Conservation	1,184.2
Department of Fish and Game	845.1
Department of Health and Social Services	4,830.0
Department of Labor and Workforce Development	338.2
Department of Military and Veteran's Affairs	73.4
Department of Natural Resources	1,576.3
Department of Public Safety	98.2
Department of Revenue (Including AHFC and the Permanent Fund Corporation)	4,466.1
Department of Transportation	2,775.0
	21,943.9

Criminal Division

Department of Health and Social Services	710.8
Department of Public Safety	811.5
Department of Environmental Conservation	78.6
Department of Fish and Game	123.1
Department of Revenue	50.0
Department of Corrections	589.3
Legislature	26.1
Department of Administration	41.7
	2,431.1

Background and Strategies:

These costs include all fund sources, both those directly appropriated to Law, and those RSA'd from the indicated client agency.

Measure:

Whether the division and offices in the department meet the performance measures set out in secs. 93 - 98 of this Act; and

Sec 97 (b) (2) Ch 90 SLA 2001(HB 250)

Measure:

Average time taken to respond to complaints and questions that have been elevated to the Office of the Attorney General.

Sec 97 (b) (3) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

During the first four months of FY 2002, the Criminal Division responded to five inquiries. The average response time was 9.5 days, which includes weekends.

During the first four months of FY 2002, the Civil Division responded to 14 consumer protection/antitrust questions and complaints. The average response time was 6 days, which includes weekends. During the first four months of FY 2002, the Civil Division responded to 6 child support enforcement related questions and complaints. The average response time was 12.5 days, which includes weekends.

Background and Strategies:

The Criminal Division tracks written inquiries received by the Attorney General's Office in Juneau regarding pending criminal cases or cases that were declined for prosecution. The complaints are sent to the Deputy Attorney General in Anchorage. The Deputy Attorney General communicates with staff in the District Attorney Office handling the case to obtain reports, pleadings, or other relevant documents. The Deputy Attorney General often talks to the prosecutor and/or paralegal handling the matter to obtain additional information. In some cases, additional research, such as reviewing court files and contacting law enforcement agencies is necessary.

The Civil Division tracks written questions and complaints received by the Attorney General's Office in Juneau regarding consumer protection and antitrust matters, and child support enforcement issues. The question or complaint is referred to the assistant attorney general who supervises the consumer protection/antitrust unit in the Fair Business Practices section, and to the assistant attorney general who supervises the Collections and Support section, respectively, for review and preparation of a response. If the question or complaint is about a particular pending case, the supervising attorney will often consult with the attorney or paraprofessional handling the matter and will review relevant pleadings or documents. In some cases, additional research may be necessary in order to prepare a response.

Measure:

Cost of the division compared to personnel costs for the department;
Sec 98 (b) (1) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

FY 2000 Total actual cost of the Administrative Services Division	\$1,096,300
FY 2000 Total Personal Services Costs for the Department of Law	\$30,684,300
Ratio: 3.6%	

FY 2001 Total Actual Cost of the Administrative Services Division	\$1,146,900
FY 2001 Total Personal Services Costs for the Department of Law	\$31,030,600
Ratio: 3.7%	

Background and Strategies:

The Administrative Services Division of the Department of Law is highly centralized encompassing those positions associated with fiscal functions, personnel and payroll, acquisition of equipment and supplies and procurement of contractual services, mailroom services, budgeting, computer network and desktop support, and administrative management. Each individual Civil and Criminal Division office employs one to two positions, depending on the size of the office, in part to assist with administrative functions such as small procurements of office supplies, disbursements of field warrants, and completing some personnel and travel forms. Those positions are not part of the Administrative Services Division.

Measure:

Number of late penalties incurred for payroll or vendor payments;
Sec 98 (b) (2) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

Released December 15th
12/31/2001 11:18

FY2003 Governor
Department of Law

No late penalties were incurred for payroll charges. The department incurred \$1,650 in penalties for late vendor payments.

Measure:

Number of audit exceptions.

Sec 98 (b) (3) Ch 90 SLA 2001(HB 250)

Alaska's Target & Progress:

Neither the FY 2000 nor FY 1999 statewide single audits contain any audit exceptions for the Department of Law.

Administration and Support
BRU Financial Summary by Component

All dollars in thousands

	FY2001 Actuals				FY2002 Authorized				FY2003 Governor			
	General Funds	Federal Funds	Other Funds	Total Funds	General Funds	Federal Funds	Other Funds	Total Funds	General Funds	Federal Funds	Other Funds	Total Funds
<u>Formula</u>												
<u>Expenditures</u>												
None.												
<u>Non-Formula</u>												
<u>Expenditures</u>												
Office of the Attorney General	334.4	0.0	2.3	336.7	338.2	0.0	0.0	338.2	344.8	0.0	0.0	344.8
Administrative Services	555.5	0.0	591.4	1,146.9	557.8	0.0	679.8	1,237.6	590.0	0.0	691.7	1,281.7
Totals	889.9	0.0	593.7	1,483.6	896.0	0.0	679.8	1,575.8	934.8	0.0	691.7	1,626.5

Administration and Support**Proposed Changes in Levels of Service for FY2003**

None.

Administration and Support**Summary of BRU Budget Changes by Component****From FY2002 Authorized to FY2003 Governor***All dollars in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	896.0	0.0	679.8	1,575.8
Adjustments which will continue current level of service:				
-Office of the Attorney General	6.6	0.0	0.0	6.6
-Administrative Services	32.2	0.0	11.9	44.1
FY2003 Governor	934.8	0.0	691.7	1,626.5

Component: Office of the Attorney General

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Component Mission

The mission statement for the Attorney General is included at the department level.

Component Services Provided

The Attorney General is the principal executive officer of the Alaska Department of Law. In this role he is responsible for both the legal and the administrative aspects of the department's operations. This component supports the Attorney General and his immediate staff as he carries out his statutorily defined functions.

The Attorney General serves as legal advisor for the governor and other state officers. In addition, the Attorney General is responsible for representing the state in all civil actions to which it is a party; prosecuting all cases involving violation of state law; administering state legal services, including furnishing written legal opinions and giving advice on laws or proposed legislation; drafting legal instruments for the state; and bringing, prosecuting, and defending all necessary actions in the name of the state for the collection of revenue.

Component Goals and Strategies

Protect the interests of Alaska citizens and the resources of the state by ensuring that effective, high-quality legal services are provided to state agencies and officers.

Ensure that the civil and criminal laws of the state are followed.

Assist law enforcement agencies with criminal investigations by providing legal and tactical advice.

Reduce fraud in benefit programs.

Represent and defend the state in legal actions.

Implement the Executive Branch Ethics Act.

Manage the department's resources effectively and efficiently to provide support for the work of the department's employees.

Participate actively in interdepartmental efforts to improve government services to Alaskans.

Key Component Issues for FY2002 – 2003

Key Issues are included at the department level.

Major Component Accomplishments in 2001

CIVIL DIVISION

- Participated in interagency effort on the Balloon Project to reduce the backlog of children in foster care longer than new state and federal laws permit. As of September 15, 2001, 89 percent of the 662 children in foster care the longest were in a permanent placement and, in another 8 percent of the cases, the legal work to free these children for adoption is complete. The project now has five phases including more than 1,600 children, of which 72 percent now have permanent homes and another 14 percent are legally free for adoption.

- Continued work on litigation involving oil and gas, bringing into the state treasury 80.5 million in back taxes and royalties owed by oil and gas companies. Also successfully defended at hearing the Department of Revenue's property tax assessment of the Trans Alaska Pipeline of approximately \$3 billion.
- Successfully resolved a number of significant consumer protection cases: (1) Negotiated settlements in three auto dealer cases involving multiple violations of Alaska's Unfair and Deceptive Trade Practices Act, the federal Truth in Lending Act, and the federal Magnuson-Moss Warranty Act. These settlements will involve payment of restitution to consumers and substantial civil penalties to the state in excess of \$35,000; (2) Obtained consent judgments in settlement of three multi-state consumer protection sweepstakes cases involving Publishers Clearing House, Time, Inc., and Readers Digest. The settlements will result in recovery of \$225,000 for the state and thousands of dollars for restitution to consumers including consumers in Alaska; (3) Obtained settlements in multi-state antitrust case involving Bausch & Lomb and Johnson & Johnson, manufacturers of contact lens. The settlements will result in recovery to the state of approximately \$20,000 to \$40,000 and in restitution to consumers who have purchased replacement contact lenses since January 1, 1988.
- Filed a major lawsuit in federal court challenging the Forest Service's Roadless Rule.
- Began hearings before the Special Master appointed by the United States Supreme Court in the state's original action in the Supreme Court to quiet title to all lands underlying marine waters in Southeast Alaska, including those within Glacier Bay National Park and the Tongass National Forest.
- Recovered almost \$2 million for state costs and penalties related to contaminated sites, obtained cleanup agreements with polluters with an estimated value of over \$500,000, and recovered approximately \$3,886,000 for EXXON VALDEZ oil spill related matters.
- Continued efforts to develop the law as it relates to Alaska Natives and the relationship between Alaska Natives and the state, in particular the law concerning recognition and the scope of tribal jurisdiction and authority following the Venetie decision which held that ANCSA lands are not Indian country.
- Continued discussions, as part of the State-Tribal Relations Team, with Alaska's federally recognized tribes to define the nature of a government-to-government relationship between the state and the tribes. One outcome of this project, an Administrative Order recognizing tribes, was issued in September 2000. Another, the Millennium Agreement, was signed by the state and tribes in April 2001. It establishes the framework within which the State and Alaska's federally recognized tribes will establish their government-to-government relationship.
- Successfully concluded a mediation with the Bank of America in which the bank agreed to pay the state and affected agencies and municipalities a total of \$35.6 million in compensation for mismanagement of public funds held in trust. This recovery will be shared by the state treasury and the affected public corporations and municipalities.
- Collected over \$3.9 million in FY 2001 in criminal fines, cost of appointed counsel, cost of imprisonment, and civil judgments owed the state. This was a record amount, surpassing the prior year's collections by more than \$1 million.

CRIMINAL DIVISION

- The Criminal Division successfully led the effort that gained the State an addition \$1.4 million in federal funds for the Alcohol Interdiction project. The intent of the proposal is to significantly reduce violent crime, accidental deaths and incidence of FAS and FAE by cutting off the easy availability of alcohol through aggressive investigation and prosecution of bootlegging offenses. Of the \$1.4 million, \$500,000 funds the prosecution effort and commences in FY 2002.
- The Criminal Division continues in the effort to assist victims and witnesses by better informing and preparing them to testify, especially in cases involving sex crimes and domestic violence, and by providing them with important safety plans and informing them of their rights. This project also involves training for attorneys and paralegals to assist them in their efforts to reduce the incidence of these types of crimes. At the grassroots level, the Volunteer Legal Advocacy program, trains volunteers in Alaskan communities and villages to coordinate with domestic violence prosecution efforts. Both aspects of this heightened effort are funded by federal funds RSA'd to the Criminal Division by the Department of Public Safety, Council on Domestic Violence and Sexual Assault.

- The Criminal Division's Medicaid Fraud unit collected more than \$2.5 million in Medicaid fines during FY 2001, an increase of approximately \$1.5 million over the FY 2000 level.

Statutory and Regulatory Authority

AS 44.23.020

Office of the Attorney General
Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	249.8	252.4	259.0
72000 Travel	23.3	10.0	10.0
73000 Contractual	54.4	67.0	67.0
74000 Supplies	2.6	8.8	8.8
75000 Equipment	6.6	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	336.7	338.2	344.8
Funding Sources:			
1004 General Fund Receipts	334.4	338.2	344.8
1053 Investment Loss Trust Fund	1.7	0.0	0.0
1108 Statutory Designated Program Receipts	0.6	0.0	0.0
Funding Totals	336.7	338.2	344.8

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
<u>Unrestricted Revenues</u>						
None.		0.0	0.0	0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0	0.0	0.0
<u>Restricted Revenues</u>						
Statutory Designated Program Receipts	51063	0.6	0.0	0.0	0.0	0.0
Investment Loss Trust Fund	51393	1.7	0.0	0.0	0.0	0.0
Restricted Total		2.3	0.0	0.0	0.0	0.0
Total Estimated Revenues		2.3	0.0	0.0	0.0	0.0

Office of the Attorney General

Proposed Changes in Levels of Service for FY2003

None.

Summary of Component Budget Changes

From FY2002 Authorized to FY2003 Governor

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	338.2	0.0	0.0	338.2
Adjustments which will continue current level of service:				
-Year 3 Labor Costs - Net Change from FY2002	6.6	0.0	0.0	6.6
FY2003 Governor	344.8	0.0	0.0	344.8

Office of the Attorney General

Personal Services Information

Authorized Positions			Personal Services Costs	
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	3	3	Annual Salaries	197,590
Part-time	0	0	COLA	6,730
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	54,675
			Less 0.00% Vacancy Factor	(0)
			Lump Sum Premium Pay	0
Totals	3	3	Total Personal Services	258,995

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Commissioner	0	0	1	0	1
Exec Secretary II	0	0	1	0	1
Spec Asst To The Comm II	0	0	1	0	1
Totals	0	0	3	0	3

Component: Administrative Services

Contact: Kathryn Daughhetee, Director

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Component Mission

The mission of the Division of Administrative Services is to provide support services to departmental programs.

Component Services Provided

- Financial management and forecasting - Regular review, monitoring, and reporting of expenditures and revenues with the additional emphasis on forecasting authorization balances through the end of the fiscal year.
- Budgeting - Annual preparation of the operating and capital budget request for the entire department.
- Fiscal and Accounting - Perform all accounting functions for the department through centralized accounts payable/receivable, review and payment of professional services contracts; federal grant and sub-grant reporting.
- Personnel and Payroll Support - Personnel and payroll management; training in personnel management; assisting managers and supervisors with employee relations and position review and classification; monitoring and providing advice about compliance with personnel rules and labor relations rulings.
- Procurement - Manage the procurement process for outside legal counsel and expert contracts as well as property control and centralized supply and equipment purchases.
- Timekeeping - Calculate and revise the federally approved cost allocation plans and the department's attorney and paraprofessional rate structure; manage the Civil Division's full-time attorney and paraprofessional time reporting system; generate client billings, analyze and forecast the budget results of the department's shared resources cost pool.
- Information Services - Provide computer hardware and software support to each of over 430 computer end-users located in Anchorage, Juneau, Fairbanks, Palmer, Kenai, Bethel, Ketchikan, Kodiak, Nome, Barrow, Dillingham, Kotzebue and Sitka. This support includes: network support, application maintenance and support, and hardware and software installation. In addition the Section provides individual assistance when necessary and presents occasional formal training. Other services provided by the section include web development, technical liaison on projects involving other public agencies, special projects, and service on statewide technical committees that establish the foundations for state government digital communication.
- Mail Services – Provide central mail pickup and delivery services for Juneau offices of the department as well as centralized mail services for certain legal and library supplies for the entire agency. Provide off-site security screening and inspection of ALL incoming mail and parcels in accordance with guidelines established by the Alaska Department of Administration.

Component Goals and Strategies

- Inform and assist the Attorney General, the Deputy Attorneys General, and other department managers in the management of resources by accurately monitoring and forecasting departmental expenditures and the complexity of revenue fund sources in the face of changing litigation demands.
- Provide semi-annual administrative training in Anchorage, Fairbanks and Juneau. Outlying offices participate by sending staff to one of these locations. This training is designed to provide all employees with basic information regarding state and departmental policies and procedures regarding travel, fiscal, procurement, computer networks and desktop support, timekeeping and personnel. With the Administrative Services Division centralized in Juneau, effectively communicating policy and procedure is an issue, especially with frequent changes in support staff in the Civil and Criminal Divisions. We are experimenting with the classroom style approach, and a consistent curriculum

delivered on a regular basis in the hope that it will increase understanding of and adherence to the rules and guidelines that govern many of our business processes.

Timekeeping

- During FY 2002, we will begin to study the issue of a replacement system for our timekeeping and billing system. The current system, while in place less than three years, will not be enhanced and support for the application will discontinue in late FY 2004. Such a study will involve a survey of similar applications used by other states as we do not have the staff or resources to undertake designing, building, and maintaining our own system.
- Work continues on the production of a comprehensive "on-line" timekeeping manual for Civil Division attorneys and paralegals.
- Work continues on user customized web-based reporting to access case management, timekeeping and billing data from the timekeeping system.
- Quality control measures are being implemented to review monthly all files opened in Javelan.

Leasing

- The current lease for the department's Anchorage based offices will expire on September 30, 2004. Barring significant rate reductions by the current lessor and a negotiated extension of the existing lease under AS 36.30.083, the space will need to be re-bid at least six months to a year in advance of the expiration date.
- Consideration must be given to relocating the Fairbanks District Attorney's office closer to the new Fairbanks Courthouse. The Fairbanks DA's offices were formerly co-located with the Fairbanks Courthouse. When the construction and opening of the new courthouse was completed in FY 2001, the impact on the DA's office was immediately felt. The distance between the two operations has added a great deal of travel time to the prosecution staff workday, in addition witnesses must be transported and parking can be difficult, especially during the winter months.

Contracting & Supply

- Implementation of the Statewide Procurement Certification Program begins on January 1, 2002. It will be necessary to ensure all procurement personnel have obtained certification at the appropriate level and receive ongoing training as required under the program.

Information Services:

- The CRIMES system (Criminal Records Information Management and Exchange System) is used for tracking all department actions relating to prosecution. The CRIMES system is currently made up of three Oracle database servers located in Anchorage, Fairbanks, Juneau, and Ketchikan. CRIMES is a "fat client" database that both tracks information and allows users to generate court documents from the database. While the four existing servers handle all criminal cases, the original plan remains incomplete. The long-range goal is to distribute the CRIMES system to all District Attorney offices in the state, a plan that would involve as many as 12 more servers. The architecture calls for replication among all sites, so that all sites have the complete database. This is essential for quickly researching criminal history, a necessary part of deciding what charges should be filed.
- We are working toward a software/hardware upgrade that will involve the newest production version of our Novell Netware operating system at 15 locations. There are two reasons for this upgrade. First, the manufacturer will end support for our current version at the end of this calendar year. Second, the newer version will allow us to move easily to a single network communication protocol, TCP/IP, a protocol that is part of the long-range enterprise strategy for the WAN. The TCP/IP protocol is more efficient on the many WAN links that allow the department to function effectively over our vast geographic area. These upgrades involve deploying higher-capacity servers at several sites, meaning more disk space and more main memory. More disk space allows us to accommodate both the increase number of files that accumulate over time, and the larger files that are required by new software and by new methodologies. The new servers have improved fault tolerance (redundant disk, power, and network interface) and will offer improved service to our users.

- In FY 2002, a Help Desk system was purchased to help manage IT workload. By FY 2003 we will have implemented the new database-driven HelpDesk system that will instill accountability in the efforts of the IT staff, and begin to build a knowledge base that will make the IT staff less dependent on “institutional knowledge” that exists only in the memory of current technicians. The effort will reduce the phenomenon of requests and problems “falling through the cracks.”
- We will continue to enhance the backbone bandwidth of our Local Area Networks located in the larger offices. “Backbone bandwidth” refers to the traffic carrying capacity of the communication links that connect larger aggregations of network users. A backbone segment might connect several floors in a building, for instance. The network traffic on each floor is aggregated in an Ethernet switch and the backbone joins the switches. Bottlenecks tend to arise at the backbone, especially in networks with traffic that increases over time. Traffic on all of our networks is increasing due to modern software that utilizes graphic files, and other digitized information such as evidence audio files, web development, and digitized video.
- In order to improve network security and limit data communication and computing resources to business purposes, network traffic will be prioritized. Prioritization will help to discriminate against inappropriate network traffic and establish “quality of service” for TCP/IP traffic at our largest site. It will also set aside bandwidth for our critical applications. This effort will also give us the beginnings of intrusion detection in the event of network attack. This is a pilot project that may be applied to other large sites in future fiscal years.
- The Department depends on two critical applications, the Crimes database of all of our prosecutor actions, and the Timekeeping and billing database that facilitates recording how much attorney time is expended on each case. This fiscal year we will improve the reporting capabilities of those two systems by expanding the number and quality of reports available to department managers.
- We will install improved power systems at our two largest sites to protect our critical servers from power interruptions.
- Support necessary transitions involved in statewide Telecomm Partnering.

Key Component Issues for FY2002 – 2003

Increasing the quality and value of services with a status quo budget and staffing levels while coping with rapid changes in technology and increasing administrative demands continues to be the major issue facing this division. Specifically, as we consider the road ahead, administrative personnel will need to devote significant time and thought to the replacement of the timekeeping, billing, and case management system. It is anticipated that to successfully accomplish selection and implementation of a replacement system, a cooperative effort involving this division and Civil Division attorneys and paraprofessional staff will be needed. We will begin this effort with a review of systems used by other state attorneys general as well as what is offered by the owner of the current timekeeping and billing software application used by Law, and whatever relevant systems are available from providers. The FY 2004 capital budget request may reflect the budget impact of a replacement system. If we are required to recover the cost of any new system in our timekeeping and billing rate, we will need to consider financing arrangements and the impact on our client agency budgets caused by any resultant increase in the timekeeping rate.

Should moving the Fairbanks District Attorney’s Office become necessary, significant organizational and logistical planning tasks will be placed on this division. Timing the physical move with the establishment of basic business infrastructure services, such as computing and telephonic communications, is critical to minimizing prosecution disruption. Under the best circumstances, unexpected complications crop-up and must be resolved “on the fly”. In Alaska, such complications can run the gamut of frozen plumbing and lack of power to missed deadlines and broken equipment and furniture.

Providing attorneys with easy access to common documents (such as a Brief Bank) is critical. Legal work involves document production, and being able to find a particular document exactly when it is needed can save time. We have a pilot document management system that may lead to a wider rollout. While document management is fairly well understood for smaller legal organizations, such as a typical law firm, issues of scale exist for larger organizations. An organization the size of the Civil Division would be a large law firm, and the Criminal Division is spread over a dozen communities. It is unclear whether we have sufficient internal expertise for in-house development of an adequate document management system. Technology is not the issue; design and implementation is the challenge.

Major Component Accomplishments in 2001

Contracting & Supply

- Obtained purchasing card allowing procurement and accounting staff to significantly streamline the ordering of supplies and equipment and increase the efficiency of the payment process by consolidating multiple transactions onto a single invoice.
- By converting all professional services contracts and amendments to “pdf” form the division is now able to e-mail contracts and amendments to contractors and receive signed copies back via facsimile in a matter of minutes or hours versus the days or weeks previously required.
- All offices are now using electronic postage meters capable of being filled via phone line from a central department account. This has provided an increase in efficiency and better accountability of postage costs statewide.
- At minimal cost to the department, the division obtained new and like-new replacement vehicles for Fairbanks, Palmer, and Kenai District Attorney offices.

Leasing

- Completed relocation of Bethel and Barrow DA's offices to the new courthouses in each of those communities.

Timekeeping

- Posted client/project code listing on department web page. This critical document is updated continually and is used by attorneys and case management staff in opening new files and pointing cases to the appropriate billing agency or funding source.

Fiscal

- Direct links to the State's Administrative Manual have been provided to help Law staff quickly access the codification of many of the administrative policies and procedures governing state functions. Also included on the Administrative Services intranet site are Powerpoint presentations used in training, and standard forms such as the standardized warrant request, mileage reimbursement and travel authorization.

Information Technology

- Developed a web-based system that allows the public to search abstracts of all Attorney General Opinions issued since statehood. The system, “Internet Attorney General Opinions” or “IAGO” is available through the department's public web site at www.law.state.ak.us/opinions and allows Acrobat format downloads of opinions issued since 1996.
- Replaced the oldest file servers on our network, servers that were installed when the network was originally constructed. These servers are located in Bethel, Ketchikan, Fairbanks, Palmer and the Anchorage Criminal Division. Replacing a server at a site is a major task and carries the potential for disrupting business operations.
- Deployed nightly virus scanning on all department file servers.
- Installed LAN Ethernet switching components to reduce traffic bottlenecks that existed at our larger network sites.
- Deployed Windows 2000 on 20% of the computers in the Department. This is significant because it is the first rollout of a truly stable desktop operating system after years of Windows 3.x and 9x. Windows 2000 allowed us to deploy desktop “policies” that have served to make our network more manageable and less vulnerable to faulty end-user reconfiguration.

- Began a move to imaging computers for more efficient troubleshooting. The current paradigm for fixing desktop computer problems is to reload all software, and imaging is the quickest way to do it, reducing the time involved from 4 hours to under an hour.
- Worked with Municipality of Anchorage to allow the Anchorage District Attorney's Office to access two key Anchorage systems, the Municipal Prosecutor's Case Management system, and the Police Department's on-line Police Report system.
- Status of CRIMES: Important developments in the deployment of the new prosecution system, CRIMES, have made the system more usable and reliable.
 - 1) Operating System migration: Migration of the three existing Crimes servers to Windows NT was completed in FY2001. The fourth Crimes server was delivered with Windows NT, and all subsequent servers, will be running NT or a later version of the Windows server operating system.
 - 2) Established access to Crimes by the Anchorage Police Department and the Fairbanks Police Departments.

Human Resources

- The Human Resources section completed and implemented the classification study of state legal occupations; Legal Secretary and Victim Witness Paralegal. These studies not only encompassed positions in the Departments of Law and Administration, and Office of the Governor, but also individual positions in other Executive Branch departments.

In the first classification study, recruitment and retention problems with legal secretaries made it increasingly difficult for the state to retain and attract experienced legal secretaries. The study endeavored to establish a more effective and specifically defined career path that would better meet staffing and organizational needs while working to help stabilize the department's high attrition levels (46%). A study of this occupation group had not occurred since the early 1970's. The occupational characteristics and descriptions were wholly outdated and did not reflect current law office methods or current office technologies. The study resulted in continuing a two-level career path for Law Office Assistants (formerly Legal Secretaries) - journey and supervisory level – and broadened the minimum qualifications to allow enhanced applicant pools and career paths for secretaries and administrative clerks who possess judicial or law office experience. The study also established a new two-level Law Office Manager series that separately distinguishes this unique occupational field from that of traditional state administrative managers, and extends career-track options within the legal support occupations. The project required a salary study to determine the appropriate compensation for the Law Office Assistant class series and for the new Law Office Manager job class series.

The second classification study was accomplished to meet a need within the department's Criminal Division to specifically distinguish the work of "paralegals" who provide victim/witness coordinator and trial support in prosecution offices, statewide. The existing Paralegal Assistant I and II job class series served to distinguish paralegals engaged in civil litigation, but did not fully distinguish the trial support work that is performed in the prosecution environment, and the minimum qualification requirements for the Paralegal Assistant class series did not allow competition by the widest group of otherwise qualified candidates. The study resulted in a new job class series; Victim Witness Paralegal I and II, and more specifically related minimum qualifications to attract optimally experienced candidates. State classification studies require a salary survey in order to complete the study process. The salary survey determined that the Victim Witness Paralegal class series should be established at the same pay ranges as was the existing Paralegal Assistant class series.

Statutory and Regulatory Authority

AS 44.23.020

Administrative Services

Component Financial Summary

All dollars in thousands

	FY2001 Actuals	FY2002 Authorized	FY2003 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	1,026.2	1,102.1	1,166.2
72000 Travel	21.1	7.8	7.8
73000 Contractual	83.4	81.7	81.7
74000 Supplies	11.4	46.0	26.0
75000 Equipment	4.8	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	1,146.9	1,237.6	1,281.7
Funding Sources:			
1004 General Fund Receipts	509.3	507.3	538.6
1005 General Fund/Program Receipts	46.2	50.5	51.4
1007 Inter-Agency Receipts	586.8	679.8	691.7
1053 Investment Loss Trust Fund	3.6	0.0	0.0
1108 Statutory Designated Program Receipts	1.0	0.0	0.0
Funding Totals	1,146.9	1,237.6	1,281.7

Estimated Revenue Collections

Description	Master Revenue Account	FY2001 Actuals	FY2002 Authorized	FY2002 Cash Estimate	FY2003 Governor	FY2004 Forecast
Unrestricted Revenues						
None.		0.0	0.0	0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0	0.0	0.0
Restricted Revenues						
Interagency Receipts	51015	586.8	679.8	679.8	691.7	691.7
General Fund Program Receipts	51060	46.2	50.5	50.5	51.4	51.4
Statutory Designated Program Receipts	51063	1.0	0.0	0.0	0.0	0.0
Investment Loss Trust Fund	51393	3.6	0.0	0.0	0.0	0.0
Restricted Total		637.6	730.3	730.3	743.1	743.1
Total Estimated Revenues		637.6	730.3	730.3	743.1	743.1

Administrative Services**Proposed Changes in Levels of Service for FY2003**

No service changes.

Summary of Component Budget Changes**From FY2002 Authorized to FY2003 Governor***All dollars in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2002 Authorized	557.8	0.0	679.8	1,237.6
Adjustments which will continue current level of service:				
-Year 3 Labor Costs - Net Change from FY2002	12.2	0.0	11.9	24.1
-Adjust vacancy factor by fund source between line items and components	20.0	0.0	0.0	20.0
FY2003 Governor	590.0	0.0	691.7	1,281.7

Administrative Services

Personal Services Information

Authorized Positions		Personal Services Costs		
	<u>FY2002</u>	<u>FY2003</u>		
	<u>Authorized</u>	<u>Governor</u>		
Full-time	19	20	Annual Salaries	886,910
Part-time	1	0	COLA	22,908
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	293,603
			<i>Less 3.09% Vacancy Factor</i>	(37,221)
			Lump Sum Premium Pay	0
Totals	20	20	Total Personal Services	1,166,200

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Accounting Clerk I	0	0	1	0	1
Accounting Clerk II	0	0	1	0	1
Accounting Spvr II	0	0	1	0	1
Accounting Tech I	0	0	2	0	2
Administrative Svcs Mgr	0	0	1	0	1
Division Director	0	0	1	0	1
Human Resources Mgr II	0	0	1	0	1
Mail Svcs Courier	0	0	1	0	1
Micro/Network Spec I	1	0	1	0	2
Micro/Network Spec II	1	0	0	0	1
Micro/Network Tech I	1	0	1	0	2
Micro/Network Tech II	1	0	1	0	2
Personnel Asst I	0	0	1	0	1
Personnel Specialist I	0	0	1	0	1
Program Budget AnalystIII	0	0	1	0	1
Supply Technician II	0	0	1	0	1
Totals	4	0	16	0	20